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**S t a t e o f C a l i f o r n i a**

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**November, 1998**

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# Introduction

This summary identifies all hazardous waste legislation considered by the California Legislature during the 1997-98 Legislative Session. Hazardous waste legislation is legislation that affects hazardous waste or hazardous substances and either directly or indirectly relates to the Department of Toxic Substances Control (DTSC) and its mission and various programs. In some instances, bills introduced as hazardous waste legislation were later amended to address, in whole or in part, completely different subjects. These bills are also included in this summary, and are described in both their introduced form and in their subsequently amended form.

Bills noted as “chaptered” were passed by the Legislature and signed by the Governor. Bills noted as “vetoed” were passed by the Legislature and vetoed by the Governor (the veto messages are included at the end of this report). Bills noted as “dead” either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors. Bills that were sponsored by DTSC are underlined.

The summary lists the bills in numerical order. Bills may also be found by referring to the appropriate subject index (see Table of Contents). Except for urgency, tax levy, election, and appropriation measures, which take effect upon date of signing, all statutes take effect on January 1<sup>st</sup> of the following year. Bills enacted during a special session (designated by an "x" after the bill number) take effect 91 days after the adjournment of the session at which the bill is passed.

Occasionally, different legislation contains amendments to the same section of law. The language from the bill that was chaptered last (the higher chapter number) is controlling and will be enacted.

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Copies of the bills can be obtained from the Bill Room at the State Capitol at (916) 445-2323. You can also view any of these bills or bill-related documents at the California State Senate's home page, using their bill search function and specifying the appropriate legislative session. The State Senate's Internet website can be found at: <http://www.sen.ca.gov/www/leginfo/SearchText.html#BN>.

*The DTSC 1997-1998 Legislative Summary can also be viewed at DTSC's Internet address (<http://www.calepa.ca.gov/dtsc/dtsc.htm>).*

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# Acronyms

<b>AB</b>	Assembly Bill
<b>ACA</b>	Assembly Constitutional Amendment
<b>ACR</b>	Assembly Constitutional Resolution
<b>ALJ</b>	Administrative Law Judge
<b>AJR</b>	Assembly Joint Resolution
<b>ARB</b>	Air Resources Board
<b>BOE</b>	Board of Equalization
<b>Cal/ARP</b>	California Accidental Release Program
<b>Cal/EPA</b>	California Environmental Protection Agency
<b>CalTrans</b>	California Department of Transportation
<b>CCR</b>	California Code of Regulations
<b>CEQA</b>	California Environmental Quality Act
<b>CESA</b>	California Endangered Species Act
<b>CUPA</b>	Certified Unified Program Agency
<b>DOD</b>	Department of Defense
<b>DOJ</b>	Department of Justice
<b>DGS</b>	Department of General Services
<b>DHS</b>	Department of Health Services
<b>DFG</b>	Department of Fish and Game
<b>DPR</b>	Department of Pesticide Regulation
<b>DTSC</b>	Department of Toxic Substances Control
<b>EIR</b>	Environmental Impact Report
<b>GIS</b>	Geographic Information System
<b>IWMB</b>	Integrated Waste Management Board
<b>MTBE</b>	Methyl <i>tert</i> -Butyl Ether
<b>NPL</b>	National Priority List
<b>OEHHA</b>	Office of Environmental Health Hazard Assessment
<b>OES</b>	Office of Emergency Services
<b>OPR</b>	Office of Planning and Research
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RP</b>	Responsible Party
<b>RSU</b>	Regulatory Structure Update
<b>RWQCB</b>	Regional Water Quality Control Board
<b>SB</b>	Senate Bill
<b>SCA</b>	Senate Constitutional Amendment
<b>SCR</b>	Senate Constitutional Resolution
<b>SJR</b>	Senate Joint Resolution
<b>SWRCB</b>	State Water Resources Control Board
<b>TCA</b>	Trade and Commerce Agency
<b>TTU</b>	Transportable Treatment Unit

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# **Assembly Bills**

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**AB 11                      Escutia - Releases of Petroleum (Chapter 766, Statutes of 1997) (URGENCY)**

A cleanup to SB 649 (Costa, Chapter 1122, Statutes of 1996), AB 11 allows the affirmative defense (i.e., admitting to a violation within specified parameters) to be used only for discharges and releases that are authorized and in compliance with the terms and conditions of a waste discharge requirement, a waiver, or a federal permit for which the SWRCB has issued a water quality certification. AB 11 also prohibits a defendant from raising the affirmative defense if the defendant had on two prior occasions in the preceding five years pleaded no contest or been convicted of a violation of the discharge prohibition, or if the discharge is intentional.

**AB 175                      Torlakson - CEQA Meeting Notifications; Development Project Exemption (Chapter 415, Statutes of 1997)**

AB 175 requires OPR to ensure that affected agencies are notified regarding early consultation that is requested by a lead agency on certain projects, and regarding environmental impact report scoping meetings. AB 175 also expands the CEQA exemption for development projects from projects involving not more than 45 units to projects involving not more than 100 units.

**AB 178                      Gallegos - Recycled Engine Coolant Specifications (Chapter 634, Statutes of 1997)**

AB 178 makes changes to the specifications for recycled engine coolants, antifreeze and pre-diluted engine coolants.

**AB 179                      Bowen - Electronic Access to Public Records (Vetoed)**

Among other things, this bill would have required state and local agencies to provide electronic records in the form requested, unless the requests were unreasonable.

**AB 182                      Battin - Notice for Local Hazardous Materials Ordinances (Vetoed)**

AB 182 would have required Cal/EPA to post public notices of city and county public meetings regarding regulated substances on the Cal/EPA's Internet website established for these notices.

**AB 206                      Hertzberg - Citizen Complaint Act of 1997 (Chapter 416, Statutes of 1997)**

AB 206 requires state agencies, including DTSC, to make a complaint form available on their Internet web sites through which individuals can register complaints or comments relating to the performance of that agency.

**AB 212                      Woods - CEQA and CESA Exemption for Levee Repair (Dead)**

AB 212 would have exempted levee repair projects from CEQA and CESA. The CEQA exemptions of this bill were amended into SB 181 (Kopp, Chapter 4, Statutes of 1997).

**AB 256                      Cunneen - Revision of the Hazardous Waste Code System (Chapter 361, Statutes of 1997)**

AB 256 requires DTSC to revise and adopt regulations by December 31, 1998 to establish a new hazardous waste code system for tracking shipments of hazardous waste. The hazardous waste code system is to be adopted using specific procedures and requirements.

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**AB 278      Escutia - Health Effects: Most Susceptible Age Groups (Vetoed)**

AB 278 would have made a number of Legislative findings regarding the effects of air pollutants on children, mandated inspection requirements for CUPAs, placed requirements on OEHHA for its recommendations to ARB on ambient air quality standards, required ARB to review its ambient air quality standards to determine their ability to protect infants and children, and required the South Coast Air Quality Management District to notify day care centers in its district if a federal primary ambient air quality standard was predicted to be exceeded.

**AB 335      Wayne & Cunneen - Collection of Administrative Penalties (Chapter 363, Statutes of 1997)**

Sponsored by DTSC, AB 335 authorizes the clerk of the appropriate court to enter an administrative decision of DTSC as a civil judgment. By doing so, it would allow DTSC to pursue those who are not complying with its administrative orders more directly, rather than entering a lengthy enforcement process.

**AB 361      Cunneen - Hazardous Materials Business Plans (Chapter 365, Statutes of 1997)**

AB 361 changes the frequency of the hazardous materials business plan review from every two years to every three years.

**AB 362      Bowen - Environmental Advertising (Dead)**

AB 362 would have made it unlawful for any person to misrepresent any consumer good as ozone friendly, biodegradable, photo-degradable or recycled if the consumer good does not meet specified definitions.

**AB 376      Baca - Public Contracts: CalTrans (Dead)**

AB 376 would have required contracts for engineering, architectural, landscape architectural, surveying, environmental, or engineering geology services that exceed \$50,000, and contract amendments that exceed \$50,000, adjusted annually, awarded by DOT be awarded through a publicized competitive bidding process to the lowest qualified bidder.

**AB 475      Pringle - Fee Reports: Office of Permit Assistance (Chapter 719, Statutes of 1997)**

AB 475 requires Cal/EPA, the Resources Agency, and BOE to submit an annual report to TCA of the total fees or charges that have been collected by each state board, agency or department beginning with calendar year 2000. In addition, AB 475 specifies that Cal/EPA, TCA and other state agencies consult with the Joint Legislative Audit Committee in the development of a fee reporting form.

**AB 481      Kuehl - Childhood Lead Poisoning Prevention (Dead)**

AB 481 would have required any person performing lead hazard evaluations or abatement to be trained by an accredited training provider and certified by DHS. AB 481 would also have established training requirements for any person performing activities that disturb lead-based paint or presumed lead-based paint other than abatement activities.

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**AB 529            Baldwin - Fines and Penalties to the General Fund (Dead)**

AB 529 would have required that revenues from the assessment of fines and penalties by any state agency be deposited in the General Fund and not expended unless appropriated in the Budget Act .

**AB 592            Kuehl - MTBE: Release Prevention (Chapter 814, Statutes of 1997)**

AB 592 requires the following: the State Fire Marshal to develop a comprehensive data base of petroleum pipeline information that can be utilized for emergency response and program operational purposes; the State Fire Marshal to adopt regulations to protect drinking water supplies from petroleum releases from pipelines; SWRCB to establish a GIS mapping project; DHS to adopt primary and secondary drinking water standards for MTBE; and OEHHHA to make specific determinations regarding MTBE.

**AB 639            Alby - Defense Conversion (Chapter 952, Statutes of 1998) (URGENCY)**

AB 639 enacts numerous provisions relating to closing military bases. Specifically, it: entitles a student and his or her parent to resident classification if the student's parent is a federal civil service employee who has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees; provides that the work of TCA includes the Office of Military Base Retention; states the intent of the Legislature that the state role in military base conversion be consolidated in TCA.

**AB 646            Hertzberg - Cost Recovery for Methamphetamine Laboratory Cleanups (Dead)**

AB 646 would have required that any restitution fine or order imposed under the provisions of existing law that are deposited in the Restitution Fund be paid before any funds would be deposited in the Mandatory Methamphetamine Fund.

**AB 681            Machado - Environmental Remediation: Property Owner Consent (Chapter 255, Statutes of 1998)**

AB 681 prohibits cleanup oversight agencies, including DTSC, from considering a cleanup or site closure proposal until all current owners of the site have been notified. AB 681 also requires DTSC to ensure that property owners are provided an opportunity to participate in the cleanup process whenever another responsible party, such as a lessee, is performing the cleanup.

**AB 707            Ackerman - Deed Restrictions: Expiration Dates (Chapter 14, Statutes of 1998)**

AB 707 provides for the expiration of deed restrictions or other land use control mechanisms except those in place for environmental reasons.

**AB 708            Ackerman - Clarification of Disposal Fees for Cleanup Wastes (Chapter 177, Statutes of 1997)**

AB 708 clarifies that the disposal fee category includes any required or voluntary cleanup, removal or remediation hazardous substance or non-federal (non-RCRA) hazardous waste.



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**AB 733      Washington - Hazardous Materials & Solid and Hazardous Waste: Public Education (Dead)**

AB 733 would have added environmental hazards to those factors affecting environmental quality in the existing Conservation Education Service that is required to encourage the development of education opportunities specifically related to the conservation of natural resources.

**AB 763      Aroner - Hazardous Materials: Accidental Releases (Dead)**

AB 763 would have required an air pollution control district or air quality management district to require an owner or operator of a facility handling regulated substances that have the potential to vent into the atmosphere through a pressure release valve to use methods capable of preventing the escape of regulated substances into the air.

**AB 770      Margett - Surface Impoundments: Transfer of Exemption (Chapter 330, Statutes of 1997)**

AB 770 would allow a RWQCB to transfer a specified exemption granted to public utilities for placing hazardous waste into surface impoundments to a subsequent owner of a power plant under certain conditions.

**AB 847      Wayne - Hazardous Wastes Removed From Discarded Appliances (Chapter 884, Statutes of 1997)**

AB 847 clarifies existing law to ensure that those who are managing discarded appliances and removing "materials that require special handling" (as defined) are managing the materials that are hazardous wastes properly.

**AB 851      Bowen - State Superfund (Dead)**

AB 851 would have made significant reforms to the Carpenter-Presley-Tanner Hazardous Substance Account Act, including making state funds available to pay for orphan shares of site cleanup responsibility.

**AB 871      Wayne - Redevelopment and Brownfield Cleanups (Chapter 430, Statutes of 1998)**

AB 871 makes a variety of changes to several areas of law including the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 756, Statutes of 1981), the Community Redevelopment Act (Chapter 1812, Statutes of 1963), the "Polanco Act" amendments to the Community Redevelopment Act (Polanco, AB 3193, Chapter 1113, Statutes of 1990) and the Mello-Roos Community Facilities Act of 1982 (Roos, AB 3564, Chapter 1451, Statutes of 1982), all intended to encourage the redevelopment of "Brownfields."

**AB 882      Wayne - Definition of Waste (Chapter 470, Statutes of 1997)**

AB 882 amends the definition of waste to clarify that a coolant, lubricant, or cutting fluid necessary to the operation of manufacturing equipment is not a waste. AB 882 places limitations on the coolants, lubricants, or cutting fluids and the systems that handle them that qualify for the exemption from the definition of waste.

**AB 921      Wayne - Recycled Water (Chapter 295, Statutes of 1998)**

AB 921 prohibits DHS from issuing a permit to a public water system or from amending an existing permit for the use of a reservoir as a source of water supply that is directly augmented with recycled water, unless DHS meets

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specified requirements.

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**AB 966**      **Ackerman - Management of Laboratory Hazardous Wastes (Chapter 506, Statutes of 1998)**

Sponsored by DTSC, AB 966 provides for flexible management standards for the temporary accumulation and treatment of small quantities of laboratory hazardous wastes. AB 966 also provides regulatory and fee relief by reducing authorization requirements for specified low risk treatment activities conducted in conjunction with the storage of hazardous waste by generators and facilities.

**AB 983**      **Wayne - Referrals for Injunctive Relief (Chapter 357, Statutes of 1998)**

AB 983 allows CUPAs to refer enforcement actions for injunctive relief to the Attorney General.

**AB 1089**      **Miller - Hazardous Waste: Source Reduction: Revisions to SB 14 (Chapter 520, Statutes of 1997)**

Sponsored by DTSC, AB 1089 clarifies and streamlines the requirements of SB 14 (Roberti, Chapter 1218, Statutes of 1989), the Hazardous Waste Source Reduction and Management Review Act of 1989. Specifically, AB 1089:

1. Eliminates the requirement for generators to complete specific plan and report summaries and progress reports that are duplicative of other source reduction documents. Instead, generators would be required to document their efforts in implementing source reduction measures in more specific "abstracts;"
2. Modifies and clarifies the waste stream quantities subject to the provisions of SB 14 requirements;
3. Expands CUPAs authority to implement and enforce all aspects of SB 14, including the authority to assess civil penalties for violations;
4. Clarifies that hazardous waste treatment, storage and disposal facilities are exempt from the requirement to prepare source reduction documents; and
5. Eliminates the requirement for DTSC to submit a report to the Governor and Legislature.

**AB 1111**      **Martinez - Criteria for Bid Announcements (Dead)**

AB 1111 would have required a public entity to accept the lowest responsible bid that most closely meets the criteria or specifications in the bid announcement, or reject all bids and initiate a new announcement.

**AB 1157**      **Wayne - Hazardous Waste Variances: Prior Public Notice (Vetoed)**

AB 1157 would have required DTSC, prior to granting a variance, to issue a 30 day public notice, except in the cases of emergency situations, nondiscretionary variances and household and agricultural hazardous waste collection activities.

**AB 1169**      **Shelley - Resources Agency: Posting of Data on the Internet (Vetoed)**

AB 1169 would have required the Resources Agency and its boards and departments to post on the Internet specified information, including information concerning meetings.

**AB 1190**      **Torlakson - Response to Releases of Hazardous Materials (Vetoed)**

AB 1190 would have allowed a county board of supervisors, when it subpoenaed persons as part of an investigation, to delegate the examination of subpoenaed persons to the county health officer, a CUPA or the agency authorized by Cal/EPA under the Unified Program to implement the Accidental Release Prevention Program.

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- AB 1195**      **Torlakson - Remedial Action Plans: Nonbinding Allocations of Responsibility/Real Estate Disclosure Requirements (Chapter 65, Statutes of 1998)**
- As introduced, AB 1195 would have required remedial action plans to include a statement of reasons for allocating responsibility to each potential RP and an analysis of that allocation. *As adopted, AB 1195 requires a specified disclosure by the seller or the seller's agent to the prospective buyer for property located in an area subject to flooding or fire hazards.*
- AB 1246**      **Olberg - Mining Property Taxation (Chapter 226, Statutes of 1998)**
- AB 1246 specifies that for property that is subject to valuation as a mining or mineral property, the initial base year value of a leach pad, tailing facility, or settling pond on that property is the full cash value of that leach pad, tailing facility, or settling pond as of the date that the pad, facility, or pond was first assessed.
- AB 1273**      **Woods - Used Oil Recycling Act: Technical Cleanup (Dead)**
- Sponsored by IWMB, AB 1273 would have repealed the Used Oil Recycling Act and the Used Oil Collection Demonstration Grant Program Act of 1990 and enacted certain provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement Act.
- AB 1357**      **Baldwin - Regulatory Oversight of Transportable Treatment Units (Chapter 778, Statutes of 1997)**
- Sponsored by DTSC, AB 1357 allows DTSC to retain responsibility and oversight of all regulatory activities pertaining to TTUs and transfers to the CUPAs authority for tiered permitting notification processing for businesses in their jurisdiction.
- AB 1393**      **Alquist - Performance Audits of State and Local Government (Dead)**
- AB 1393 would have required each state and local agency to complete a performance audit within two years.
- AB 1422**      **Martinez - Public Contracts: Modifications (Dead)**
- AB 1422 would have required that when a contractor's compensation under a contract with a public agency was calculated as a percentage of the final cost of the service or project, compensation for any change, modification, or clarification initiated by the contractor would have been calculated at a rate 2% below the original percentage contained in the contract.
- AB 1491**      **Cunneen & Richter - Petroleum Underground Storage Tanks (Chapter 808, Statutes of 1997)**
- AB 1491 deletes the provision allowing a permit to include a schedule of compliance and would instead require a permit issued for a petroleum underground storage tank system that meets specified requirements to include an upgrade compliance certificate that documents that the petroleum underground storage tank system meets those requirements.

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**AB 1561      Assembly Transportation Committee - Omnibus Transportation Bill (Chapter 945, Statutes of 1997)**

AB 1561 is a technical cleanup of provisions regarding transportation requirements, including hazardous waste transportation requirements.

**AB 1594      Assembly Environmental Safety and Toxic Materials Committee - State Superfund: Deletion of Federal Facility Expenditure Prohibition (Dead)**

Sponsored by DTSC, AB 1594 would have eliminated the statutory prohibition on the expenditure of state funds for the cleanup of federally owned or operated sites.

**AB 1637      Aguiar - State Government Administrative Costs (Dead)**

AB 1637 would have required a state agency that receives funds from the federal government to ensure that any indirect administrative costs not exceed 5% of the total amounts of the specific fund, except if otherwise governed by federal statutes.

**AB 1656      Ducheny - 1998 State Budget Act (Chapter 324, Statutes of 1998) (URGENCY)**

AB 1656 makes appropriations for support of state government for the 1998-99 fiscal year.

**AB 1671      Keeley - Fish and Game Preservation Fund (Chapter 1060, Statutes of 1998) (URGENCY)**

AB 1671 transfers \$7,000,000 from the General Fund to the Fish and Game Preservation Fund to pay all necessary expenses incurred by DFG in carrying out the Fish and Game Code and any other law for the protection and preservation of birds, mammals, reptiles, and fish.

**AB 1706      Keeley - Methamphetamine: Penalty Enhancement (Dead)**

AB 1706 would have created a sentencing enhancement of one year in state prison for a person convicted of conspiring to manufacture or attempting to manufacture methamphetamine or phencyclidine and who illegally disposed of any hazardous substances used during the manufacturing process.

**AB 1739      Scott - Recycling of Refineries' Used Oil (Chapter 244, Statutes of 1998)**

AB 1739 adds used oil removed from equipment, vehicles, or engines used primarily at refineries to the list of conditionally excluded recyclable materials, provided the used oil is used to produce fuels and other refined petroleum products at the refinery where it is generated.

**AB 1862      Migden - Waste Discharge Requirements: Pollution Prevention (Dead)**

AB 1862 would have authorized SWRCB and RWQCBs to require an application for waste discharge requirements to include a pollution prevention plan and required SWRCB to incorporate the plans as part of the waste discharge requirements prescribed for certain dischargers.

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**AB 1878      Wildman - Environmental Quality: School Construction (Dead)**

AB 1878 would have defined "lead agency" to mean the Office of Public School Construction within DGS for purposes of public school facilities construction projects utilizing state funds.

**AB 1909      Wayne - Financing Authority for Site Remediation (Chapter 1008, Statutes of 1998)**

AB 1909 expands the scope of the California Pollution Control Financing Authority to issue revenue bonds and other debt to provide financing for hazardous waste site remediation and to facilitate, through participating private lenders, loans to small businesses that must remediate their hazardous waste sites.

**AB 1939      Woods - Taxation, Payments and Interest (Dead)**

AB 1939 would have provided that the interest on late payments that are administered by BOE would be computed on a daily basis under the Board's tax and fee programs.

**AB 2018      Poochigian - CEQA Project Review Fees (Dead)**

AB 2018 would have repealed the filing fee that DFG collects to defray the costs of managing and protecting fish and wildlife trust resources.

**AB 2067      Cunneen - Omnibus Hazardous Waste Management Provisions (Chapter 880, Statutes of 1998)**

AB 2067 defines "recycling," allows electronic reporting of Uniform Hazardous Waste Manifest information, authorizes loading and unloading operations at specified facilities, amends California's land disposal restriction requirements, authorizes the mixing of used oil with contaminated petroleum products and oily wastes and reduces the manifest fee for air compliance solvents manifests. AB 2067 also requires the Bureau of State Audits to evaluate the generator fee structure and requires state agencies to purchase specified recycled products instead of new materials.

**AB 2157      Ortiz - Insurance Carriers Liability Judgments (Vetoed)**

AB 2157 would have allowed insurance carriers to participate in "good faith settlement" procedures in pollution cases.

**AB 2165      Bowen - Tax Deduction for Environmental Remediation Expenses (Dead)**

AB 2165 would have conformed state tax law to revisions made in the Federal Taxpayer Relief Act of 1997 that allows taxpayers to treat qualified environmental remediation expenses at brownfield properties as a deduction.

**AB 2199      Washington - Conservation Education Services (Vetoed)**

AB 2199 would have added environmental hazards to factors affecting environmental quality in the development of the educational curriculum under the Conservation Education Service.

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**AB 2237      Escutia - Environmental Protection: Loans And Grants (Vetoed)**

AB 2237 would have required Cal/EPA, the Resources Agency, and DHS to make specified information, including environmental justice data, regarding environmental loans and grants that they administer available to the public in a concise, understandable, readily accessible form, including through their Internet websites.

**AB 2248      Poochigian - Local Agencies Liability (Dead)**

AB 2248 would have exempted local agencies from liability if they acquired property through their collection activities and subsequently found contamination on the property that was caused before the local agency acquired the property. AB 2248 would also have allowed the local agency to give the property back if preexisting contamination was found.

**AB 2275      Kuykendall - State Contracts: Claims Against the State (Chapter 916, Statutes of 1998)**

AB 2275 repeals, recasts and modifies provisions of the California Prompt Payment Act guaranteeing timely payment of state vendors.

**AB 2339      Sweeney - Toxic Hot Spots Cleanup (Vetoed)**

AB 2339 would have required SWRCB to submit a priority ranking of all toxic hot spot sites to the Legislature, together with the consolidated statewide cleanup plan, and revised requirements for the contents of the cleanup plans.

**AB 2353      Olberg - Surety Insurers (Chapter 477, Statutes of 1998)**

Sponsored by IWMB, SWRCB, and DTSC, AB 2353 allows IWMB, SWRCB, or DTSC, in order to comply with federal law, to impose additional requirements upon surety insurers before the insurer is deemed sufficient.

**AB 2369      Wayne - Controlled Substances: Penalty Enhancement (Chapter 425, Statutes of 1998)**

AB 2369 allows the court to, at the request of a state or local agency, assess additional penalties on persons convicted of the manufacture, sale, possession for sale, possession, transportation, or disposal of any controlled substance, equal to the cost of removal and disposal of the environmental contamination caused by that substance.

**AB 2397      Bowen - CEQA: Federal Facilities (Chapter 272, Statutes of 1998)**

AB 2397 make it clear that state agencies must comply with CEQA when exercising discretionary authority over federal projects, and that federal projects are not exempt from the requirements of CEQA.

**AB 2424      Ackerman - Generator Onsite Treatment (Dead)**

Sponsored by DTSC, AB 2424 as originally introduced would have authorized DTSC to adopt regulations conditionally exempting treatment processes conducted in compliance with the requirements of the Cal/ARP Program from DTSC's authorization requirements. As later amended, AB 2424 would have exempted certain laboratories from the requirement to obtain a hazardous waste treatment permit for their many bench-top treatment

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activities and allowed temporary accumulation of small quantities of waste generated during experiments and procedures. The provisions of AB 2424 were amended into AB 966 (Ackerman).



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**AB 2487      Oller - Used Fuel Filters: Treatment (Chapter 532, Statutes of 1998)**

AB 2487 exempts the draining of used fuel filters from the definition of treatment, if specified requirements are met.

**AB 2503      Goldsmith - State Agencies: Continuation (Dead)**

AB 2503 would have abolished virtually all state agencies on January 1, 2005, unless the Legislature adopted statutes to continue the agency before that date.

**AB 2571      Pacheco - Cal/ARP Fees (Chapter 251, Statutes of 1998)**

AB 2571 gives OES the option of using federal grant funds, in addition to the Single Fee Surcharge, to implement the Cal/ARP element of the Unified Program. If OES receives federal funds, they are required to lower their Cal/ARP fees.

**AB 2580      Baca - Regional Technology Alliances (Chapter 685, Statutes of 1998)**

AB 2580 authorizes the TCA to designate new regional technology alliances.

**AB 2584      Runner - Department of Transportation - Spaceport Office (Dead)**

AB 2584 would have adopted provisions governing the siting of commercial space launch and recovery sites.

**AB 2621      Hertzberg - Local Government Reorganization (Chapter 1038, Statutes of 1998)**

AB 2621 modifies provisions concerning the Commission on Local Governance, extending its sunset date to July 1, 2000, and extending the due date of its report to December 31, 1999.

**AB 2698      Ducheny - Wastewater Treatment Units (Dead)**

AB 2698 would have modified and streamlined the requirements applicable to most businesses that treat their hazardous wastewater onsite.

**AB 2782      Keeley and Thompson - Appropriation for North Coast Railroad Authority (Chapter 953, Statutes of 1998)**

AB 2782, among other things, appropriates \$2 million from the General Fund to be used by the North Coast Railroad Authority to address environmental concerns raised by DFG, DTSC, and DOJ, and to address a variety of other needs.

**AB 2784      Strom-Martin and Keeley - Resources Omnibus Budget Trailer Bill - Waste Classification Regulation (Chapter 326, Statutes of 1998/Line Item Veto) (URGENCY)**

Among other things, AB 2784 prescribes time lines and procedures DTSC must follow during the regulatory adoption process for hazardous waste classification and management standard regulations.

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**AB 2794      Assembly Committee on Budget - Budget Act Augmentations (Chapter 1050, Statutes of 1998/Line Item Veto)  
(URGENCY)**

Among various appropriations, items that were line-item vetoed in AB 2794 would have appropriated \$750,000 to DTSC to fund the cleanup of oil contamination in Nipomo, California, and \$20,000 to DTSC for the removal of a “hazardous electrical transformer” from the playground at Cogswell Elementary School in El Monte, California.

**AB 2814      Papan - Conflict of Interest (Dead)**

AB 2814 would have modified provisions of the Political Reform Act of 1974 pertaining to conflicts of interest of public officials.

**ACA 22      Pringle - Property Tax Relief for Contaminated Property (Resolution Chapter 60, Statutes of 1998)**

ACA 22 allows the base year value of a contaminated property to be transferred to a replacement property that is acquired or constructed as a replacement for the contaminated property. ACA 22 also provides that the term “new construction” does not include the repair or replacement of property destroyed or substantially damaged by remediation of environmental problems.

**ACR 126      Wayne - Toxic Awareness Week (Resolution Chapter 39, Statutes of 1998)**

ACR 126 declares May 10 to May 16, 1998, as Toxic Awareness Week.

**AJR 29      Baca - Military Base Closures (Resolution Chapter 69, Statutes of 1997)**

AJR 29 memorializes the President and Congress of the United States to adopt specified guidelines in land policies with respect to Base Realignment and Closure legislation.

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# Senate Bills

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**SB 58                    Ayala - State Agency Analysis of Legislation (Dead)**

SB 58 would have required every state agency that might be significantly affected by a bill to prepare an analysis of the bill and deliver that analysis to the bill's author and each policy committee no later than 7 calendar days prior to the hearing in that committee.

**SB 74                    Kopp - Availability of Public Records (Vetoed)**

SB 74 would have required agencies to make public records available in an electronic format, in the form requested, unless it was "unreasonable" to provide them in that form.

**SB 95                    Ayala - Meetings: Conduct of Appointed or Elected Officials (Chapter 949, Statutes of 1997)**

SB 95 makes various changes to the Bagley-Keene Open Meeting Act and its requirements on meetings conducted by appointed boards and elected officials.

**SB 96                    Johnson - Joint and Several Liability (Dead)**

SB 96 would have specified that liability is several and not joint in cases of certain property transactions.

**SB 105                  Ayala - Water Contamination: Public Notification (Chapter 783, Statutes of 1997)**

SB 105 requires OES to notify local health officers and administrators of environmental health of discharges of hazardous substances or sewage to water. The local health officers and administrators of environmental health are required to notify the public of the discharge if needed to safeguard public health and safety.

**SB 143                  Kopp - Access to Public Records (Chapter 620, Statutes of 1998)**

SB 143 amends the California Public Records Act that requires each state and local agency to make its records available to the public.

**SB 178                  Monteith - Scientific Evidence in Administrative Hearings (Dead)**

SB 178 would have limited the admissibility of scientific evidence in administrative hearings to only that whose reliability has been established, whose experts are properly qualified, and which was generated using correct scientific procedures.

**SB 181                  Kopp - CEQA Exemption for San Francisco Ballpark and Levee Repair (Chapter 4, Statutes of 1997)**

SB 181 exempts San Francisco's new ballpark and levee repair activities from specified provisions of CEQA.

**SB 193                  Mountjoy - CEQA Exemptions: State Property Transactions (Chapter 784, Statutes of 1997)**

SB 193 authorizes DGS to sell, exchange, lease, or transfer specified parcels of state property and exempts these transactions from specified provisions of CEQA.

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**SB 209      Kopp - Judicial Review of Governmental Agency Actions (Dead)**

SB 209 would have repealed specified provisions relating to judicial review and added provisions governing decisions of state and local agencies, public corporations, and specified nongovernmental entities.

**SB 232      Brulte - Liability (Dead)**

SB 232 would have made a person severally liable only in instances where the economic losses were the result of acts or omissions of persons rendering services.

**SB 258      Kopp - Redevelopment Agencies: Military Base Closures/Redevelopment Agencies: Reporting Requirements (Chapter 39, Statutes of 1998)**

As introduced, SB 258 would have amended provisions relating to the base closure projects in the Community Redevelopment Law. SB 258 would also have amended existing law to make the general provisions of the Community Redevelopment Law apply to base closure projects as well. The base closure provisions of this bill were amended into SB 320 (Senate Housing and Land Use Committee, Chapter 580, Statutes of 1997). *As adopted, SB 258 requires the State Controller to compile and annually publish specified reports of the financial transactions of each project area of each community redevelopment agency.*

**SB 261      Kopp - Judicial Review of Governmental Agency Actions (Dead)**

SB 261 would have made judicial review of state agency or local agency actions subject to the provisions being added by SB 209 (Kopp).

**SB 320      Senate Housing and Land Use Committee - Omnibus Housing and Land Use Bill (Chapter 580, Statutes of 1997)**

SB 320, in addition to enacting the Housing and Land Use Omnibus Act of 1997, reorganizes and repeals obsolete provisions relating to the base closure projects in the Community Redevelopment Law, and amends existing law to make the general provisions of the Community Redevelopment Law apply to base closure projects as well. In cases where the general provisions are inconsistent with the base-specific provisions, a redevelopment agency could use either set of provisions.

**SB 337      Kelley - Local Funding: Illegal Drug Lab Cleanup (Dead)**

SB 337 would have required DTSC to reimburse local agencies for their costs in identifying and determining the quantities of hazardous substances, tagging them, and setting them aside for removal at illegal drug labs.

**SB 423      Hurtt - Environmental Audit Privilege (Dead)**

SB 423 would have established a privilege for information contained in environmental audit reports, not allowing it to be available for discovery or admitted as evidence in legal actions. SB 423 would also have provided immunity from sanctions for anyone who voluntarily discloses any type of violation.

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**SB 424      Hurtt - CEQA: Environmental Impact Reports (Dead)**

SB 424 would have changed the requirement for preparing an EIR from projects which “may have” a significant effect on the environment to those which “are likely to have” an impact.

**SB 442      Brulte - Toxic Chemicals: Sensitive Population Subgroups (Dead)**

SB 442 would have required OEHHA, by December 31, 1999, to develop guidelines for use by Cal/EPA boards, departments, and offices, for the evaluation of the effects of toxic chemicals upon sensitive subgroups. SB 442 would also have required OEHHA to convene the Risk Assessment Advisory Committee to conduct a comprehensive review of those guidelines.

**SB 451      Watson - Land Use: General Plans: Environmental Equity (Vetoed)**

SB 451 would have required the land use element of a city or county general plan to consider the general location of commercial and industrial uses that are regulated due to the handling of hazardous materials in order to avoid concentrating these uses in close proximity to schools or residential communities and to consider the fair treatment of people, regardless of race, culture and income level.

**SB 479      Alpert - Contracts: Cost Analysis/*Public Employees Retirement* (Vetoed)**

As introduced, SB 479 would have required the State Controller to prepare an analysis of the cost of engineering, architectural, surveying, or environmental services using state civil service employees and the cost of contracts awarded by CalTrans. *As vetoed, SB 479 would have limited the retirement benefits for patrol members of the Public Employees' Retirement System who would retire on or after January 1, 1999, to 85% final compensation.*

**SB 492      Rosenthal - Internet Access to Permit Information (Chapter 661, Statutes of 1997)**

SB 492 requires entities within the Department of Consumer Affairs and the Department of Real Estate, on or before January 1, 1999, to provide specified information on the Internet relative to the status of every license issued by the entity, including information on suspensions, revocations and enforcement actions.

**SB 504      Johnston - Written Communications (Chapter 192, Statutes of 1997)**

SB 504 requires any person submitting a written communication to a state agency in specified proceedings to identify anyone who paid for the cost of producing the document.

**SB 521      Mountjoy - MTBE: MTBE Public Health and Environmental Protection Act of 1997 (Chapter 816, Statutes of 1997)**

SB 521 enacts the MTBE Public Health and Environmental Protection Act of 1997. It appropriates funds to study and assess by January 1, 1999, the human health and environmental risks and benefits of MTBE, and requires the Governor to certify whether MTBE in gasoline poses a risk to human health or the environment, and, if so, to take appropriate action to protect public health and the environment. SB 521 also prohibits a RWQCB from issuing a closure letter for an underground tank cleanup unless both soil and groundwater have been tested for MTBE. Finally, SB 521 exempts public water systems and their customers from liability for remediation or treatment costs of water contaminated by MTBE.

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**SB 543      Senate Agriculture and Water Resources Committee - Water Resources: Richwood Mutual Water District (Chapter 566, Statutes of 1997) (URGENCY)**

SB 543 among other things amends an existing appropriation to allow DTSC to immediately use previously appropriated funds to supply residents in the Richwood Mutual Water District with an alternative water supply, rather than use those funds solely to operate and maintain a non-operational treatment system.

**SB 581      Knight - CEQA: Department of Defense Projects (Dead)**

SB 581 would have required OPR and the Resources Agency to review CEQA requirements as they relate to DOD projects, and by March 1, 1998, recommend changes to CEQA statutes and regulations to resolve the dispute between DTSC and DOD. Any recommendation would have been required to provide an equivalent level of environmental protection and public participation as that of CEQA.

**SB 598      Sher - Incentives for Environmental Audits/*Endangered Species: State Agency Consultation* (Dead)**

As introduced, SB 598 would have defined the term environmental audit and made related legislative findings and declarations. *As amended, SB 598 would have extended the sunset date of provisions of the Endangered Species Act that require state agencies to coordinate and consult one another.*

**SB 647      Brulte - Voluntary Disclosure of Minor Violations (Dead)**

SB 647 would have prohibited any civil or administrative sanctions from being assessed against any person who disclosed a minor violation of an environmental requirement if the violation was found because of required monitoring.

**SB 657      Sher - Hazardous Materials Business Plans (Chapter 664, Statutes of 1997)**

SB 657 allows businesses who handle hazardous materials to file a statement certifying that the inventory form already on file with the local agency is up to date and correct if no changes in inventory have occurred, and use a form designated by an administering agency and developed in consultation with other state agencies.

**SB 658      Sher -Report on Cal/EPA's Peer Review Implementation (Vetoed)**

SB 658 would have required Cal/EPA to enter into an agreement with the National Academy of Sciences, University of California, California State University, or any similar institution of higher learning; and required Cal/EPA to annually report to the Legislature on the status of the implementation of those review processes.

**SB 659      Sher - CUPA Disapprovals: Reapplication (Dead)**

SB 659 would have allowed eleven cities who had been denied certification by the Secretary of Cal/EPA to reapply to become CUPAs.

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**SB 660      Sher - DTSC Fee Restructuring (Chapter 870, Statutes of 1997)**

SB 660 enacts the Environmental Cleanup and Fee Reform Act of 1997 and implements some of the recommendations made by the SB 1222 Fee Reform Task Force to restructure DTSC's fee system. Specifically, SB 660:

- 1) Eliminates, replaces and modifies many of the existing fees paid by the hazardous waste industry and other businesses that fund DTSC's hazardous waste management, site mitigation and related programs; and
- 2) Eliminates hazardous waste industry fees as a source of funding for site mitigation cleanup activities NPL match, state superfund and orphan site cleanups and replaces them with an expanded Environmental Fee.
- 3) Extends the State Superfund by six months until January 1, 1999.

**SB 661      O'Connell - Containment Zone Policy/Air Monitoring Plans: Lompoc (Chapter 274, Statutes of 1998) (URGENCY)**

As introduced, SB 661 would have imposed requirements on the SWRCB and RWQCBs in their implementation of the containment zone policy adopted by the SWRCB. *As adopted, SB 661 appropriates money from the General Fund to DPR to implement a two-stage air monitoring plan in the City of Lompoc as recommended by the Lompoc Interagency Work Group.*

**SB 673      Karnette - Contaminated Sediments (Chapter 897, Statutes of 1997)**

SB 673 requires the California Coastal Commission and the Los Angeles RWQCB to jointly establish and participate in the multi-agency Los Angeles Basin Contaminated Sediments Task Force and to develop, based on the recommendations of the task force, a long-term management plan for the dredging and disposal of contaminated sediments in coastal waters adjacent to the County of Los Angeles.

**SB 684      Maddy - Local Agency Immunity (Dead)**

SB 684 would have exempted local agencies from liability if they acquired property through their collection activities and subsequently found contamination on the property that was caused before the local agency acquired the property. SB 684 would also have allowed the local agency to give the property back if pre-existing contamination was found. Provisions in SB 684 were reintroduced in 1998 in AB 2248 (Poochigian).

**SB 704      Polanco - Practice of Chemical Engineering/Contracting (Dead)**

As introduced, SB 704 would have prohibited any person from practicing chemical engineering unless registered by the State Board of Registration for Professional Engineers and Land Surveyors. *As amended, SB 704 would have required the Contractors' State License Board to hold a public hearing and to recommend ways to enhance consumers' financial protection when contracting for residential construction services.*

**SB 715      Sher - CEQA: OPR Guidelines (Vetoed)**

SB 715 would have required that the criteria included in guidelines prepared by OPR for implementation of CEQA be submitted to state agencies for review and comment prior to completion of an environmental impact report.



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<b>SB 730</b>	<b>Senate Committee on Budget - DTSC Budget Trailer Bill/<i>San Diego Library: Property Tax Revenue Allocation (Vetoed)</i></b>  As introduced, SB 730 was to contain provisions related to DTSC and its budget for FY 1998/99. <i>As vetoed, SB 730 would have affected the amount of property tax allocated in San Diego for the county's free library.</i>
<b>SB 775</b>	<b>Johannessen - MTBE Study (Dead)</b>  SB 775 would have required ARB to conduct a study, in conjunction with private industry, on the health effects of MTBE.
<b>SB 803</b>	<b>Mountjoy - Search Warrants: Time Limit for Action (Dead)</b>  SB 803 would have required DTSC to file charges within 60 days of executing a search warrant on a business that had no record of previous violations. If charges were not filed within that 60 day period, DTSC would have been precluded from filing charges based on evidence collected under that search warrant.
<b>SB 869</b>	<b>Lee - Removal Action Workplans: Public Comment (Dead)</b>  SB 869 would have prohibited DTSC or a RWQCB from approving a removal action workplan for any removal action with a significant level of community interest, unless the public was given two weeks to comment on the workplan. SB 869 would also have required the supervisor of the person approving the removal action workplan to evaluate the public comments received on removal action workplans within five days.
<b>SB 906</b>	<b>Lee - County Hazardous Waste Management Plans: Environmental Equity (Dead)</b>  SB 906 would have required all county hazardous waste management plans to include specified information regarding the demographics of the community within a 10-mile radius of each hazardous waste stream and facility, and the consideration of specified environmental equity goals. SB 906 would also have required DTSC to adopt regulations defining the goals of environmental equity in the siting of hazardous waste facilities to provide for the equitable distribution of hazardous waste facilities throughout the county, region, and state.
<b>SB 913</b>	<b>Kelley - Modification of State Superfund/<i>Underground Storage Tank Certification (Chapter 774, Statutes of 1998) (URGENCY)</i></b>  As introduced, SB 913 would have made significant amendments to the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 756, Statutes of 1981)(also known as the State Superfund). <i>As adopted, SB 913 allows a local agency to petition the SWRCB for a 90-day extension for upgrade compliance certification requirements, provided the owner or operator of the underground storage tank certifies that the tank has met those requirements.</i>
<b>SB 988</b>	<b>Sher - Used Oil Recycling Act: Technical Cleanup (Vetoed)</b>  Among other things, SB 988 would have repealed the Used Oil Recycling Act and the Used Oil Collection Demonstration Grant Program Act of 1990 and re-enacted certain provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement Act.

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**SB 995            Mountjoy - Use of Recycled Water (Dead)**

SB 995 would have declared that the use of potable domestic water for nonpotable uses, including uses at solid waste and hazardous waste landfills, is a waste and an unreasonable use of the water.

**SB 1012           Sher - Underground Storage Tanks: Database Maintenance (Dead)**

SB 1012 would have required that a site be removed from the SWRCB's database when no residual contamination remains.

**SB 1018           Leslie - Liability: Illegal Dumping on Private Property (Dead)**

SB 1018 would have exempted private property owners from liability for the cost of cleanup of illegally dumped or littered wastes, and from being required to cleanup illegally dumped or littered wastes. SB 1018 was amended to pertain exclusively to solid waste and its provisions were placed into SB 1330 (Lockyer, Chapter 875, Statutes of 1997).

**SB 1047           Sher - CEQA: OPR Guidelines (Vetoed) (URGENCY)**

SB 1047 would have required that any changes to OPR's CEQA guidelines be posted on OPR's Internet web site.

**SB 1059           Costa - CEQA: DFG Fees (Dead)**

SB 1059 would have created the Fish and Wildlife Resources Stewardship Fund in the Fish and Game Preservation Fund and would have required the Controller to annually transfer \$3,000,000 to the Fish and Wildlife Resources Stewardship Fund from the revenue paid to the state from oil and gas leases on tide and submerged lands and beds of navigable rivers and lakes. SB 1059 would also have required DFG to expend the money in the fund to pay DFG's costs under CEQA, and prohibited DFG from collecting filing fees in any year in which there was an appropriation in the Budget Act.

**SB 1081           Calderon - Hazardous Materials: Mediation-Arbitration (Chapter 873, Statutes of 1997)**

SB 1081 establishes the Environmental Responsibility Acceptance Act. Specifically, SB 1081:

- 1) Requires the owner of a parcel of commercial, industrial or agricultural property where a release of hazardous materials has been discovered to identify and notify those who are potentially responsible for the release;
- 2) Requires RPs to provide the owner of the property with a notice of any releases known to that RP; and
- 3) Provides a form and process for the execution of a cleanup agreement between a property owner and RP.

**SB 1090           Costa - Disposal Fee: Credit for Local Fees (Dead)**

SB 1090 would have allowed the three hazardous waste disposal facilities in California to apply any fees imposed by local governments as a credit against disposal fees paid to the state. If the credit were to exceed the amount due, it could have been carried over to the next year.

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**SB 1093      Rainey - State Budget: Performance Measures (Dead)**

SB 1093 would have required the state budget to focus on the performance of government services at the state and local levels, rather than solely on caseloads, salary costs, and other factors. In preparing budget documents, state and local government officials would have been required to respect existing program evaluation requirements and program performance measures, with outcome measures realistic and commensurate with the level of revenues for each program.

**SB 1113      Solis - CEQA: Impact on Minority and Low-Income Populations (Vetoed)**

SB 1113 would have required OPR to recommend changes in CEQA guidelines to provide for the identification and mitigation by public agencies of disproportionately high and adverse environmental effects of projects on minority populations and low-income populations.

**SB 1114      Solis - Environmental Regulatory Assistance Centers (Dead)**

SB 1114 would have given the Office of Permit Assistance in TCA exclusive authority to provide assistance regarding state permit requirements, but would have allowed state agencies to provide information and assistance relating solely to their own permit requirements. In addition, SB 1114 would have expanded those served by the Office of Permit Assistance to include state and local agencies.

**SB 1132      Polanco - State Procurement Requirements/Prisons: Prison Industry Authority (Dead)**

As introduced, SB 1132 would have repealed existing law and establish in its place the California Acquisition Reform Act of 1997 that would have significantly modified the state's acquisition process for acquisitions from nongovernmental sources. *As amended, SB 1132 would have made several changes to the operation of the Prison Industry Authority.*

**SB 1135      O'Connell - Hazardous Waste Permit Exemption: Elementary Neutralization by Biotechnology Industry (Chapter 706, Statutes of 1997)**

SB 1135 provides an exemption from hazardous waste regulatory requirements for the elementary neutralization of acidic and alkali waste waters by biotechnology manufacturing and biotechnology research and development industries.

**SB 1175      Sher - Lubricating Oil Fees (Dead)**

SB 1175 would have revised the definition of "bulk oil" and required that anyone who purchased exempt oil give the seller a prescribed exemption certificate that declared that the oil was exempt.

**SB 1189      Hayden - MTBE: Response to Contaminated Groundwater (Chapter 815, Statutes of 1997)**

SB 1189 enacts the Local Drinking Water Protection Act. The bill contains a variety of provisions related to detection, notification, response to releases and establishment of drinking water standards for MTBE.

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**SB 1212      Vasconcellos - Adoption of Administrative Law Judge Findings (Vetoed)**

SB 1212 would have required state agencies to adopt specified administrative law judge decisions pursuant to the Administrative Procedure Act. The provisions of this bill would have applied only to specified healing arts licensing entities.

**SB 1273      Hurtt - State Agencies: Electronic Mail (Chapter 687, Statutes of 1997)**

SB 1273 authorizes state agencies, including DTSC, to send material, information, notices, correspondence or other communication by electronic mail, rather than by United States mail, upon the request of the recipient, unless impracticable to do so, or unless contrary to state or federal law.

**SB 1304      O'Connell - State Budget: Zero Based Budgeting (Dead)**

SB 1304 would have required the State Controller to prepare and publish periodic reports documenting the improvements and efficiencies achieved as a result of the zero-based budgeting that was proposed as a Constitutional amendment (see SCA 13, O'Connell).

**SB 1320      Sher - Cal/EPA Peer Review; Richwood Mutual Water District (Chapter 295, Statutes of 1997)**

SB 1320 requires Cal/EPA and its boards and departments to enter into an agreement for external scientific peer review, and requires all scientific portions of rules being adopted by those boards and departments to be peer reviewed. In addition, SB 1320 allows DTSC to use previously appropriated funds to supply residents in the Richwood Mutual Water District with an alternative water supply, rather than use those funds solely to operate and maintain a non-operational treatment system.

**SB 1330      Lockyer - Solid Waste: Farm and Ranch Cleanup and Abatement Grant Program (Chapter 875, Statutes of 1997)**

SB 1330 would require IWMB to establish, on or before January 1, 1999, a grant program for cities and counties for purposes of cleaning up and abating solid waste that is illegally disposed onto farm or ranch property.

**SB 1391      Thompson -1998 State Budget Act (Dead) (URGENCY)**

SB 1391 was the Senate version of the 1998 State Budget Act. The Assembly version (AB 1656, Ducheny, Chapter 324, Statutes of 1998) was the version forwarded and signed by the Governor.

**SB 1444      Knight - Surface Mining and Reclamation (Dead)**

SB 1444 would have modified the statement of intent in the Surface Mining and Reclamation Act of 1975.

**SB 1478      Rainey, Ayala, Haynes, Johnson, Knight, Leslie, McPherson, Monteith & Mountjoy - Taxation: Burden of Proof (Dead)**

SB 1478 would have placed the burden of proof for factual issues relevant to the taxpayer's liability in any court or administrative proceeding on the state agency that collects taxes, rather than the taxpayer.

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**SB 1521      Alpert - Lender Liability (Chapter 382, Statutes of 1998)**

SB 1521 amends the definition of a “lender” and a “person” to include a surety, escrow or title company for purposes of the exemption from liability for the release or threatened release of a hazardous substance on property where a lender has a security interest.

**SB 1577      Senate Committee on Budget - Cal/EPA Sunset (Vetoed)**

SB 1577 would have repealed provisions establishing Cal/EPA and the Office of the Secretary for Environmental Protection on January 1, 2000.

**SB 1596      Senate Committee on Budget - DTSC Budget Trailer Bill (Dead) (URGENCY)**

SB 1596 would have made necessary statutory changes to implement the Budget Act of 1998 relative to DTSC.

**SB 1600      Rainey - Tampering of Evidence/Public Safety Officers (Chapter 759, Statutes of 1998)**

SB 1600 makes it a misdemeanor to tamper or destroy evidence to be used in a disciplinary proceeding against a public safety officer for the purpose of harming the officer.

**SB 1615      Lockyer - CEQA: Redevelopment: military bases (Chapter 586, Statutes of 1998) (URGENCY)**

SB 1615 requires the City of San Diego, as a redevelopment agency, to certify an environmental impact report for the Naval Training Center Redevelopment Plan within 30 months after the effective date of the ordinance adopting the plan and prescribes requirements for the approval of projects during that period.

**SB 1619      Haynes - CEQA: Exemption for Public Schools (Dead)**

SB 1619 would have exempted any construction, conversion, or use of a public school within an urbanized area from the requirement for an environmental impact report, if the lead agency were to make specified determinations.

**SB 1779      Haynes - Private Property: Taking Impact Analysis (Dead)**

SB 1779 would have required every public agency to conduct a private property taking impact analysis before taking any action that would interfere with the use of private property.

**SB 1824      Calderon - Used Oil Recycling (Chapter 675, Statutes of 1998)**

SB 1824 allows used oil recycling facilities to mix used oil with contaminated petroleum products and oily wastes, and allow generators and transporters to mix used oil with contaminated petroleum products under specified circumstances.

**SB 1898      Polanco - Redevelopment Agency Cleanups (Chapter 438, Statutes of 1998)**

SB 1898 makes a variety of changes to the “Polanco Act” provisions of the Community Redevelopment Act

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(Polanco, AB 3193, Chapter 1113, Statutes of 1990), including extending the sunset from January 1, 1999 to January 1, 2004.

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<b>SB 1916</b>	<b>Sher - Pollution Prevention (Chapter 881, Statutes of 1998)</b>  SB 1916 provides guidelines for the use of the \$1,050,000 that was allocated in SB 660 (Chapter 870, Statutes of 1997) for the enhancement of DTSC's pollution prevention program.
<b>SB 1924</b>	<b>McPherson - Regulation of Dry Cell Batteries (Chapter 281, Statutes of 1998)</b>  SB 1924 conditionally exempts alkaline and carbon-zinc batteries from regulation as a hazardous waste.
<b>SB 1926</b>	<b>Mountjoy - Water Contamination Liability For Fuel Additives (Dead)</b>  SB 1926 would have made the manufacturer of MTBE or a product that contains MTBE offered for sale for use in California jointly liable with the owner and operator of any facility, pipeline, storage tank, or other container that released MTBE or any product containing MTBE.
<b>SB 1943</b>	<b>Sher - Wastes Recycled into Fertilizer (Dead)</b>  SB 1943 would have required fertilizers made from hazardous wastes or exempted mining wastes to meet specified requirements, including meeting treatment standards, notifying DTSC of compliance with the provisions of the bill, and labeling pertaining to the source and constituents in the fertilizer.
<b>SB 2005</b>	<b>Kopp - CEQA: Permit Streamlining Act (Chapter 283, Statutes of 1998)</b>  SB 2005 makes a variety of modifications intended to ensure that permits and environmental impact reports are conducted and reviewed in a timely fashion.
<b>SB 2014</b>	<b>Schiff - Generator Fees: Recycled Materials (Chapter 737, Statutes of 1998)</b>  SB 2014 requires DTSC to provide specified generator fee refunds if it determines that there is a surplus of funds.
<b>SB 2111</b>	<b>Costa - Hazardous Waste: Silver (Chapter 309, Statutes of 1998)</b>  SB 2111 provides that wastes that are hazardous only because they contain silver or silver compounds be regulated in California no more stringently than as those wastes are regulated under RCRA, except under specified circumstances.
<b>SB 2119</b>	<b>Hurt - Reports to the Legislature: Internet Access (Dead)</b>  SB 2119 would have required reports that are required or requested by the Legislature be made available on the state or local agency's Internet website.

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**SB 2170      Sher - State Superfund: Conference Committee Report (Dead)**

SB 2170 would have made significant reforms to the Carpenter-Presley-Tanner Hazardous Substance Account Act, including making state funds available to pay for orphan shares of site cleanup responsibility.

**SB 2172      Sher - Public Review of Exemption Determinations (Chapter 676, Statutes of 1998)**

SB 2172 requires DTSC, prior to any regulatory change that would exempt any hazardous waste activity, to provide public notice of the risk analysis determination and make it available for public comment.

**SB 2198      Sher - Underground Storage Tanks & Oxygenates (Chapter 997, Statutes of 1998)**

SB 2198 excludes from the term "underground storage tank" unburied fuel piping at marinas under specified conditions, but provides that this exclusion would not be applicable if the SWRCB adopts certain regulations, and prohibits ARB from adopting any regulation that requires the addition of any oxygenate to motor vehicle fuel unless it complies with certain conditions.

**SB 2228      Sher - Cal/EPA: Report on Effectiveness (Dead)**

SB 2228 would have required the Secretary for Environmental Protection to annually report to the Legislature and the Governor on the agency's actions to streamline, coordinate, and improve environmental protection programs implemented and administered by the agency.

**SB 2231      Senate Committee on Revenue & Taxation - Disposal Fee (Chapter 350, Statutes of 1998)**

SB 2231 makes changes in the law related to the hazardous substance tax law, the hazardous waste disposal fees, the 911 tax law, and diesel fuel fees.

**SB 2240      Senate Committee on Environmental Quality - Fee Statutes Cleanup (Chapter 882, Statutes of 1998)**

SB 2240 corrects, modifies and clarifies some of the changes made by SB 660 (Chapter 870, Statutes of 1997) to DTSC's fee structure.

**SCA 13      O'Connell - State Budget: Zero-Based Budgeting (Dead)**

SCA 13 would have required that the budget for the 2001-2002 fiscal year, and each subsequent fiscal year, be developed pursuant to zero-based budgeting for each state agency, department, or other entity, and would have created performance standards to be applied to those entities.

**SCR 65      Kopp - California Law Revision Commission (Resolution Chapter 91, Statutes of 1998)**

SCR 65 grants approval to the California Law Revision Commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study, including consolidation of the environmental laws.



SJR 36 memorializes Congress to enact legislation that would permit California to promulgate and implement reformulated gasoline rules.

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# **Bill Subject Index**

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AB 179	Bowen	Electronic Access to Public Records	Vetoed
AB 206	Hertzberg	Citizen Complaint Act of 1997	Chapter 416, Statutes of 1997
AB 376	Baca	Public Contracts: CalTrans	Dead
AB 529	Baldwin	Fines and Penalties to the General Fund	Dead
AB 708	Ackerman	Clarification of Disposal Fees for Cleanup Wastes	Chapter 177, Statutes of 1997
AB 1111	Martinez	Criteria for Bid Announcements	Dead
AB 1393	Alquist	Performance Audits of State and Local Government	Dead
AB 1422	Martinez	Public Contracts: Modifications	Dead
AB 1637	Aguiar	State Government Administrative Costs	Dead
AB 1656	Ducheny	1998 State Budget Act	Chapter 324, Statutes of 1998 <b>(URGENCY)</b>
AB 1939	Woods	Taxation, Payments and Interest	Dead
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
AB 2237	Escutia	Environmental Protection: Loans and Grants	Vetoed
AB 2275	Kuykendall	State Contracts: Claims Against the State	Chapter 916, Statutes of 1998
AB 2503	Goldsmith	State Agencies Continuation	Dead
AB 2814	Papan	Conflict of Interest	Dead
SB 58	Ayala	State Agency Analysis of Legislation	Dead
SB 74	Kopp	Availability of Public Records	Vetoed
SB 95	Ayala	Meetings: Conduct of Appointed or Elected Officials	Chapter 949, Statutes of 1997
SB 209	Kopp	Judicial Review of Governmental Agency Actions	Dead
SB 261	Kopp	Judicial Review of Governmental Agency Actions	Dead
SB 479	Alpert	Contracts: Cost Analysis/ <i>Public Employees Retirement</i>	Vetoed
SB 492	Rosenthal	Internet Access to Permit Information	Chapter 661, Statutes of 1997
SB 504	Johnston	Written Communications	Chapter 192, Statutes of 1997
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 704	Rainey	Practice of Chemical Engineering	Dead
SB 730	Senate Budget Committee	DTSC Budget Trailer Bill/ <i>San Diego Library: Property Tax Revenue Allocation</i>	Vetoed
SB 1090	Costa	Credit for Local Fees	Dead
SB 1093	Rainey	State Budget: Performance Measures	Dead
SB 1132	Polanco	State Procurement Requirements	Dead
SB 1212	Vasconcellos	Adoption of Administrative Law Judge Findings	Vetoed
SB 1273	Hurt	State Agencies: Electronic Mail	Chapter 687, Statutes of 1997
SB 1304	O'Connell	State Budget: Zero Based Budgeting	Dead
SB 1320	Sher	Cal/EPA Peer Review; Richwood Mutual Water District	Chapter 295, Statutes of 1997
SB 1391	Thompson	1998 State Budget Act	Dead <b>(URGENCY)</b>
SB 1596	Senate Budget Committee	DTSC Budget Trailer Bill	Dead <b>(URGENCY)</b>
SB 2231	Senate Revenue & Taxation Committee	Disposal Fee	Chapter 350, Statutes of 1998

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## Administration:

<u>SB 2240</u>	<u>Senate</u> <u>Environmental</u> <u>Quality</u> <u>Committee</u>	<u>Fee Statutes Cleanup</u>	<u>Chapter 882, Statutes of 1998</u>
SCA 13	O'Connell	State Budget: Zero Based Budgeting	Dead
SCR 65	Kopp	California Law Revision Commission	Resolution Chapter 91, Statutes of 1998

## Air Quality:

AB 278	Escutia	Health Effects: Most Susceptible Age Groups	Vetoed
AB 763	Aroner	Hazardous Materials: Accidental Releases	Dead
SB 661	O'Connell	Containment Zone Policy/ <i>Air Monitoring Plans: Lompoc</i>	Chapter 274, Statutes of 1998 <b>(URGENCY)</b>

## Brownfields:

AB 871	Wayne	Redevelopment and Brownfield Cleanups	Chapter 430, Statutes of 1998
AB 1909	Wayne	Financing Authority for Site Remediation	Chapter 1008, Statutes of 1998
AB 2165	Bowen	Tax Deduction for Environmental Remediation Expenses	Dead
SB 258	Lee/Kopp	Redevelopment: Military Base Closures/ <i>Redevelopment Agencies: Reporting Requirements</i>	Chapter 39, Statutes of 1998
SB 1898	Polanco	Redevelopment Agency Cleanups	Chapter 438, Statutes of 1998

## Cal/EPA:

AB 182	Battin	Notice for Local Hazardous Materials Ordinances	Vetoed
SB 658	Sher	Report on Cal/EPA's Peer Review Implementation	Vetoed
SB 1320	Sher	Cal/EPA Peer Review; Richwood Mutual Water District	Chapter 295, Statutes of 1997
SB 1577	Senate Budget Committee	Cal/EPA Sunset	Vetoed
SB 2228	Sher	Cal/EPA: Report on Effectiveness	Dead

## CEQA:

AB 175	Torlakson	CEQA Meeting Notifications; Development Project Exemption	Chapter 415, Statutes of 1997
AB 212	Woods	CEQA and CESA Exemption for Levee Repair	Dead

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## CEQA:

AB 1671	Keeley	Fish and Game Preservation Fund	Chapter 1060, Statutes of 1998 <b>(URGENCY)</b>
AB 1878	Wildman	CEQA: School Construction	Dead
AB 2018	Poochigian	CEQA Project Review Fees	Dead
AB 2397	Bowen	CEQA: Federal Facilities	Chapter 272, Statutes of 1998
SB 181	Kopp	CEQA Exemption for San Francisco Ballpark and Levee Repair	Chapter 4, Statutes of 1997
SB 193	Mountjoy	CEQA Exemptions: State Property Transactions	Chapter 784, Statutes of 1997
SB 424	Hurt	CEQA: Environmental Impact Reports	Dead
SB 581	Knight	CEQA: Department of Defense Projects	Dead
SB 715	Sher	CEQA: OPR Guidelines	Vetoed
SB 1047	Sher	CEQA: OPR Guidelines	Vetoed <b>(URGENCY)</b>
SB 1059	Costa	CEQA: DFG Fees	Dead
SB 1113	Solis	CEQA: Impact on Minority and Low-Income Populations	Vetoed
SB 1615	Lockyer	CEQA: Redevelopment of Military Bases	Chapter 586, Statutes of 1998 <b>(URGENCY)</b>
SB 1619	Haynes	CEQA: Exemption for Public Schools	Dead
SB 2005	Kopp	CEQA: Permit Streamlining Act	Chapter 283, Statutes of 1998

## CUPAs:

AB 182	Battin	Notice for Local Hazardous Materials Ordinances	Vetoed
AB 278	Escutia	Health Effects: Most Susceptible Age Groups	Vetoed
AB 361	Cunneen	Hazardous Materials Business Plans	Chapter 365, Statutes of 1997
AB 763	Aroner	Hazardous Materials: Accidental Releases	Dead
AB 983	Wayne	Referrals for Injunctive Relief	Chapter 357, Statutes of 1998
AB 1190	Torlakson	Response to Releases of Hazardous Materials	Vetoed
<u>AB 1357</u>	<u>Baldwin</u>	<u>Regulatory Oversight of Transportable Treatment Units</u>	<u>Chapter 778, Statutes of 1997</u>
AB 1393	Alquist	Performance Audits of State and Local Government	Dead
AB 2571	Pacheco	Cal/ARP Fees	Chapter 251, Statutes of 1998
SB 105	Ayala	Water Contamination: Public Notification	Chapter 783, Statutes of 1997
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead
SB 657	Sher	Hazardous Materials Business Plans	Chapter 664, Statutes of 1997
SB 659	Sher	CUPA Disapprovals: Reapplication	Dead
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997

## Education:

AB 733	Washington	Hazardous Materials & Solid and Hazardous Waste: Public Education	Dead
AB 2199	Washington	Conservation Education Services	Vetoed
ACR 126	Wayne	Toxic Awareness Week	Resolution Chapter 39, Statutes of 1998

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## Electronic Reporting:

AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
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## Emergency Response:

AB 646	Hertzberg	Cost Recovery for Methamphetamine Laboratory Cleanups	Dead
AB 1706	Keeley	Methamphetamine: Penalty Enhancement	Dead
AB 2369	Wayne	Controlled Substances: Penalty Enhancement	Chapter 425, Statutes of 1998
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 1018	Leslie	Liability: Illegal Dumping on Private Property	Dead

## Enforcement:

<u>AB 335</u>	<u>Wayne &amp; Cunneen</u>	<u>Collection of Administrative Penalties</u>	<u>Chapter 363, Statutes of 1997</u>
AB 529	Baldwin	Fines and Penalties to the General Fund	Dead
AB 882	Wayne	Definition of Waste	Chapter 470, Statutes of 1997
AB 983	Wayne	Referalls for Injunctive Relief	Chapter 357, Statutes of 1998
AB 2369	Wayne	Controlled Substances: Penalty Enhancement	Chapter 425, Statutes of 1998
AB 2698	Ducheny	Wastewater Treatment Units	Dead
AB 2782	Keeley & Thompson	Appropriation: North Coast Railroad Authority	Chapter 953, Statutes of 1998
SB 178	Monteith	Scientific Evidence in Administrative Hearings	Dead
SB 209	Kopp	Judicial Review of Governmental Agency Actions	Dead
SB 261	Kopp	Judicial Review of Governmental Agency Actions	Dead
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead
SB 423	Hurt	Environmental Audit Privilege	Dead
SB 598	Sher	Incentives for Environmental Audits	Dead
SB 647	Brulte	Voluntary Disclosure of Minor Violations	Dead
SB 803	Mountjoy	Search Warrants: Time Limit for Action	Dead
SB 1600	Rainey	Tampering of Evidence: Public Safety Officers	Chapter 759, Statutes of 1998

## Environmental Audits:

SB 423	Hurt	Environmental Audit Privilege	Dead
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SB 598	Sher	Incentives for Environmental Audits/ <i>Endangered Species: State Agency Consultation</i>	Dead
SB 647	Brulte	Voluntary Disclosure of Minor Violations	Dead

## **Fees/Taxes:**

AB 475	Pringle	Fee Reports: Office of Permit Assistance	Chapter 719, Statutes of 1997
AB 529	Baldwin	Fines and Penalties to the General Fund	Dead
AB 708	Ackerman	Clarification of Disposal Fees for Cleanup Wastes	Chapter 177, Statutes of 1997
AB 983	Wayne	Environmental Fee Expansion	Chapter 357, Statutes of 1998
<u>AB 1594</u>	<u>Assembly</u> <u>Environmental</u> <u>Safety &amp;</u> <u>Toxic</u> <u>Materials</u> <u>Committee</u>	<u>State Superfund: Deletion of Federal Facility Expenditure Prohibition</u>	<u>Dead</u>
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
ACA 22	Pringle	Property Tax Relief for Contaminated Property	Resolution Chapter 60, Statutes of 1998
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 1059	Costa	CEQA: DFG Fees	Dead
SB 1090	Costa	Disposal Fee: Credit for Local Fees	Dead
SB 1478	Rainey, et al.	Taxation: Burden of Proof	Dead
SB 2014	Schiff	Generator Fees: Recycled Materials	Chapter 737, Statutes of 1998
SB 2231	Senate Revenue & Taxation Committee	Disposal Fee	Chapter 350, Statutes of 1998
<u>SB 2240</u>	<u>Senate</u> <u>Environmental</u> <u>Quality</u> <u>Committee</u>	<u>Fee Statutes Cleanup</u>	<u>Chapter 882, Statutes of 1998</u>

## **Fertilizer:**

SB 1943	Sher	Wastes Recycled into Fertilizer	Dead
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## **Fines/Penalties:**

<u>AB 335</u>	<u>Wayne &amp;</u> <u>Cunneen</u>	<u>Collection of Administrative Penalties</u>	<u>Chapter 363, Statutes of 1997</u>
AB 529	Baldwin	Fines and Penalties to the General Fund	Dead

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## Generator Requirements:

AB 847	Wayne	Hazardous Wastes Removed From Discarded Appliances	Chapter 884, Statutes of 1997
AB 966	Ackerman	Management of Laboratory Hazardous Wastes	Chapter 506, Statutes of 1998
AB 1089	Miller	Hazardous Waste: Source Reduction: Revisions to SB 14	Chapter 520, Statutes of 1997
AB 1739	Scott	Recycling of Refineries' Used Oil	Chapter 244, Statutes of 1998
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
AB 2424	Ackerman	Generator Onsite Treatment	Dead
AB 2487	Oller	Used Fuel Filters: Treatment	Chapter 532, Statutes of 1998
AB 2698	Ducheny	Wastewater Treatment Units	Dead
SB 1824	Calderon	Used Oil Recycling	Chapter 675, Statutes of 1998
SB 1924	McPherson	Regulation of Dry Cell Batteries	Chapter 281, Statutes of 1998
SB 2111	Costa	Hazardous Waste: Silver	Chapter 309, Statutes of 1998

## Hazardous Materials:

AB 182	Battin	Notice for Local Hazardous Materials Ordinances	Vetoed
AB 361	Cunneen	Hazardous Materials Business Plans	Chapter 365, Statutes of 1997
AB 362	Bowen	Environmental Advertising	Vetoed
AB 733	Washington	Hazardous Materials & Solid and Hazardous Waste: Public Education	Dead
AB 763	Aroner	Hazardous Materials: Accidental Releases	Dead
AB 1190	Torlakson	Response to Releases of Hazardous Materials	Vetoed
AB 2571	Pacheco	Cal/ARP Fees	Chapter 251, Statutes of 1998
SB 105	Ayala	Water Contamination: Public Notification	Chapter 783, Statutes of 1997
SB 657	Sher	Hazardous Materials Business Plans	Chapter 664, Statutes of 1997
SB 1081	Calderon	Hazardous Materials: Mediation-Arbitration	Chapter 873, Statutes of 1997

## Internet/Electronic Access to Information:

AB 179	Bowen	Electronic Access to Public Records	Vetoed
AB 182	Battin	Notice for Local Hazardous Materials Ordinances	Vetoed
AB 206	Hertzberg	Citizen Complaint Act of 1997	Chapter 416, Statutes of 1997
AB 1169	Shelley	Resources Agency: Posting of Data on the Internet	Vetoed
AB 2237	Escutia	Environmental Protection: Loans and Grants	Vetoed
SB 74	Kopp	Availability of Public Records	Vetoed
SB 143	Kopp	Access to Public Records	Chapter 620, Statutes of 1998
SB 492	Rosenthal	Internet Access to Permit Information	Chapter 661, Statutes of 1997
SB 1273	Hurt	State Agencies: Electronic Mail	Chapter 687, Statutes of 1997
SB 2119	Hurt	Reports to the Legislature: Internet Access	Dead



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## Laboratory Wastes:

<u>AB 966</u>	<u>Ackerman</u>	<u>Management of Laboratory Hazardous Wastes</u>	<u>Chapter 506, Statutes of 1998</u>
<u>AB 2424</u>	<u>Ackerman</u>	<u>Generator Onsite Treatment</u>	<u>Dead</u>

## Land Disposal Restrictions:

AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
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## Land Use:

AB 175	Torlakson	CEQA Meeting Notifications/Development Project Exemption	Chapter 415, Statutes of 1997
AB 681	Machado	Environmental Remediation: Property Owner Consent	Chapter 255, Statutes of 1998
AB 707	Ackerman	Deed Restrictions: Expiration Dates	Chapter 14, Statutes of 1998
AB 871	Wayne	Redevelopment Agency Immunity	Chapter 430, Statutes of 1998
AJR 29	Baca	Military Base Closures	Resolution Chapter 69, Statutes of 1997
SB 258	Lee/Kopp	Redevelopment: Military Base Closures/ <i>Redevelopment Agencies: Reporting Requirements</i>	Chapter 39, Statutes of 1998
SB 320	Senate Housing and Land Use Committee	Omnibus Housing and Land Use Bill	Chapter 580, Statutes of 1997
SB 451	Watson	Land Use: General Plans: Environmental Equity	Vetoed
SB 906	Lee	County Hazardous Waste Management Plans: Environmental Equity	Dead
SB 1615	Lockyer	CEQA: Redevelopment of Military Bases	Chapter 586, Statutes of 1998 <b>(URGENCY)</b>
SB 1779	Haynes	Private Property: Taking Impact Analysis	Dead

## Lead:

AB 481	Kuehl	Childhood Lead Poisoning Prevention	Dead
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## Liability:

AB 681	Machado	Environmental Remediation: Property Owner Consent	Chapter 255, Statutes of 1998
AB 1195	Torlakson	Remedial Action Plans: Nonbinding Allocations of Responsibility/ <i>Real Estate Disclosure Requirements</i>	Chapter 65, Statutes of 1998
AB 2248	Poochigian	Local Agency Immunity	Dead
SB 96	Johnson	Joint and Several Liability	Dead
SB 232	Brulte	Liability	Dead
SB 521	Mountjoy	MTBE Public Health and Environmental Protection Act of 1997	Chapter 816, Statutes of 1997

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## Liability:

SB 684	Maddy	Local Agency Immunity	Dead
SB 1018	Leslie	Liability: Illegal Dumping on Private Property	Dead
SB 1081	Calderon	Hazardous Materials: Mediation-Arbitration	Chapter 873, Statutes of 1997
SB 1330	Lockyer	Solid Waste: Farm and Ranch Cleanup and Abatement Grant Program	Chapter 875, Statutes of 1997
SB 1521	Alpert	Lender Liability	Chapter 382, Statutes of 1998
SB 1926	Mountjoy	Water Contamination Liability For Fuel Additives	Dead

## Local Government:

AB 182	Battin	Notice for Local Hazardous Materials Ordinances	Vetoed
AB 278	Escutia	Health Effects: Most Susceptible Age Groups	Vetoed
AB 361	Cunneen	Hazardous Materials Business Plans	Chapter 365, Statutes of 1997
AB 707	Ackerman	Deed Restrictions: Expiration Dates	Chapter 14, Statutes of 1998
AB 763	Aroner	Hazardous Materials: Accidental Releases	Dead
AB 871	Wayne	Redevelopment and Brownfield Cleanups	Chapter 430, Statutes of 1998
AB 1190	Torlakson	Response to Releases of Hazardous Materials	Vetoed
<u>AB 1357</u>	<u>Baldwin</u>	<u>Regulatory Oversight of Transportable Treatment Units</u>	<u>Chapter 778, Statutes of 1997</u>
AB 1393	Alquist	Performance Audits of State and Local Government	Dead
AB 2248	Poochigian	Local Agency Immunity	Dead
AB 2571	Pacheco	Cal/ARP Fees	Chapter 251, Statutes of 1998
AB 2621	Hertzberg	Local Government Reorganization	Chapter 1038, Statutes of 1998
SB 105	Ayala	Water Contamination: Public Notification	Chapter 783, Statutes of 1997
SB 258	Lee/Kopp	Redevelopment: Military Base Closures/ <i>Redevelopment Agencies: Reporting Requirements</i>	Chapter 39, Statutes of 1998
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead
SB 657	Sher	Hazardous Materials Business Plans	Chapter 664, Statutes of 1997
SB 684	Maddy	Local Agency Immunity	Dead
SB 906	Lee	County Hazardous Waste Management Plans: Environmental Equity	Dead
SB 320	Senate Housing and Land Use Committee	Omnibus Housing and Land Use Bill	Chapter 580, Statutes of 1997
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead
SB 451	Watson	Land Use: General Plans: Environmental Equity	Vetoed
SB 659	Sher	CUPA Disapprovals: Reapplication	Dead
SB 684	Maddy	Local Agency Immunity	Dead
SB 906	Lee	County Hazardous Waste Management Plans: Environmental Equity	Dead
SB 1090	Costa	Credit for Local Fees	Dead
SB 1093	Rainey	State Budget: Performance Measures	Dead

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## Manifests/Waste Codes:

AB 256	Cunneen	Revision of the Hazardous Waste Code System	Chapter 361, Statutes of 1997
AB 966	Wayne	Hazardous Waste Manifest System/	Chapter 506, Statutes of 1998
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
AB 2424	Ackerman	<u>Generator Onsite Treatment</u>	<u>Dead</u>

## Methamphetamines:

AB 646	Hertzberg	Cost Recovery for Methamphetamine Laboratory Cleanups	Dead
AB 1706	Keeley	Methamphetamine: Penalty Enhancement	Dead
AB 2369	Wayne	Controlled Substances: Penalty Enhancement	Chapter 425, Statutes of 1998
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead

## Methyl tert-Butyl Ether (MTBE):

AB 592	Kuehl	MTBE: Release Prevention	Chapter 814, Statutes of 1997
AB 2439	Bowen	2-stroke engines	Dead
SB 521	Mountjoy	MTBE Public Health and Environmental Protection Act of 1997	Chapter 816, Statutes of 1997
SB 775	Johannessen	MTBE Study	Dead
SB 1189	Hayden	MTBE: Response to Contaminated Groundwater	Chapter 815, Statutes of 1997
SB 1926	Mountjoy	Water Contamination Liability For Fuel Additives	Dead
SB 2198	Sher	Underground Storage Tanks & Oxygenates	Chapter 997, Statutes of 1998
SB 2201	Monteith	Modesto River, Recreational Water Use	Chapter 70, Statutes of 1998
SJR 36	Johannessen	Reformulated Gasoline Rules	Resolution Chapter 99, Statutes of 1998

## Military Base Closures/Conversions:

AB 639	Alby	Defense Conversion	Chapter 952, Statutes of 1998 <b>(URGENCY)</b>
AB 2397	Bowen	CEQA: Federal Facilities	Chapter 272, Statutes of 1998
AB 2580	Baca	Regional Technology Alliances	Chapter 685, Statutes of 1998
AJR 29	Baca	Military Base Closures	Resolution Chapter 69, Statutes of 1997
SB 258	Lee/Kopp	Redevelopment: Military Base Closures/ <i>Redevelopment Agencies: Reporting Requirements</i>	Chapter 39, Statutes of 1998
SB 320	Senate Housing & Land Use Committee	Omnibus Housing and Land Use Bill	Chapter 580, Statutes of 1997
SB 581	Knight	CEQA: Department of Defense Projects	Dead

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## Military Base Closures/Conversions:

SB 1615	Lockyer	CEQA: Redevelopment of Military Bases	Chapter 586, Statutes of 1998 <b>(URGENCY)</b>
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## Mining/Mining Wastes:

AB 1246	Olberg	Mining Property Taxation	Chapter 226, Statutes of 1998
SB 1444	Knight	Surface Mining and Reclamation	Dead
SB 1943	Sher	Wastes Recycled into Fertilizer	Dead

## Permitting/Variances:

AB 770	Margett	Surface Impoundments: Transfer of Exemption	Chapter 330, Statutes of 1997
<u>AB 966</u>	<u>Ackerman</u>	<u>Management of Laboratory Hazardous Wastes</u>	<u>Chapter 506, Statutes of 1998</u>
AB 1157	Wayne	Hazardous Waste Variances: Prior Public Notice	Vetoed
<u>AB 1357</u>	<u>Baldwin</u>	<u>Regulatory Oversight of Transportable Treatment Units</u>	<u>Chapter 778, Statutes of 1997</u>
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
<u>AB 2353</u>	<u>Olberg</u>	<u>Surety Insurers</u>	<u>Chapter 477, Statutes of 1998</u>
<u>AB 2424</u>	<u>Ackerman</u>	<u>Generator Onsite Treatment</u>	<u>Dead</u>
AB 2487	Oller	Used Fuel Filters: Treatment	Chapter 532, Statutes of 1998
AB 2698	Ducheny	Wastewater Treatment Units	Dead
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 1114	Solis	Environmental Regulatory Assistance Centers	Dead
SB 1135	O'Connell	Hazardous Waste Permit Exemption: Elementary Neutralization by Biotechnology Industry	Chapter 706, Statutes of 1997
SB 1824	Calderon	Used Oil Recycling	Chapter 675, Statutes of 1998
SB 2005	Kopp	CEQA: Permit Streamlining Act	Chapter 283, Statutes of 1998
SB 2111	Costa	Hazardous Waste: Silver	Chapter 309, Statutes of 1998
SB 2172	Sher	Public Review of Exemption Determinations	Chapter 676, Statutes of 1998

## Pollution Prevention (Source Reduction/Waste Minimization):

<u>AB 1089</u>	<u>Miller</u>	<u>Hazardous Waste: Source Reduction: Revisions to SB 14</u>	<u>Chapter 520, Statutes of 1997</u>
AB 1862	Migden	Waste Discharge Requirements: Pollution Prevention	Dead
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 1916	Sher	Pollution Prevention	Chapter 881, Statutes of 1998

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## Public Records:

AB 179	Bowen	Electronic Access to Public Records	Vetoed
AB 1169	Shelley	Resources Agency: Posting of Data on the Internet	Vetoed
SB 58	Ayala	State Agency Analysis of Legislation	Dead
SB 74	Kopp	Availability of Public Records	Vetoed
SB 143	Kopp	Access to Public Records	Chapter 620, Statutes of 1998
SB 492	Rosenthal	Internet Access to Permit Information	Chapter 661, Statutes of 1997
SB 1273	Hurt	State Agencies: Electronic Mail	Chapter 687, Statutes of 1997

## Recycling:

AB 178	Gallegos	Recycled Engine Coolant Specifications	Chapter 634, Statutes of 1997
AB 847	Wayne	Hazardous Wastes Removed From Discarded Appliances	Chapter 884, Statutes of 1997
AB 882	Wayne	Definition of Waste	Chapter 470, Statutes of 1997
AB 1273	Woods	Used Oil Recycling Act: Technical Cleanup	Dead
AB 1739	Scott	Recycling of Refineries' Used Oil	Chapter 244, Statutes of 1998
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
SB 988	Sher	Used Oil Recycling Act: Technical Cleanup	Vetoed
SB 995	Mountjoy	Use of Recycled Water	Dead
SB 1924	McPherson	Regulation of Dry Cell Batteries	Chapter 281, Statutes of 1998
SB 1943	Sher	Wastes Recycled into Fertilizer	Dead
SB 2014	Schiff	Generator Fees: Recycled Materials	Chapter 737, Statutes of 1998
SB 2111	Costa	Hazardous Waste: Silver	Chapter 309, Statutes of 1998

## Regulatory Reform:

AB 1393	Alquist	Performance Audits of State and Local Government	Dead
AB 2784	Strom-Martin & Keeley	Waste Classification Regulations	Chapter 326, Statutes of 1998 <b>(URGENCY)</b>
SB 658	Sher	Report on Cal/EPA's Peer Review Implementation	Vetoed
SB 1047	Sher	Cal/EPA Regulatory Implementation	Vetoed <b>(URGENCY)</b>
SB 1212	Vasconcellos	Adoption of Administrative Law Judge Findings	Vetoed
SB 1320	Sher	Cal/EPA Peer Review/Richwood Mutual Water District	Chapter 295, Statutes of 1997
SB 2172	Sher	Public Review of Exemption Determinations	Chapter 676, Statutes of 1998

## Reports:

AB 475	Pringle	Fee Reports: Office of Permit Assistance	Chapter 719, Statutes of 1997
<u>AB 1089</u>	<u>Miller</u>	<u>Hazardous Waste: Source Reduction: Revisions to SB 14</u>	<u>Chapter 520, Statutes of 1997</u>

## Risk Assessment:

AB 278	Escutia	Health Effects: Most Susceptible Age Groups	Vetoed
AB 2784	Strom-Martin & Keeley	Waste Classification Regulations	Chapter 326, Statutes of 1998 <b>(URGENCY)</b>
SB 442	Brulte	Toxic Chemicals: Sensitive Population Subgroups	Dead
SB 658	Sher	Risk Assessment Advisory Committee	Vetoed
SB 1320	Sher	Cal/EPA Peer Review/Richwood Mutual Water District	Chapter 295, Statutes of 1997

## Site Mitigation/Site Cleanup/Corrective Action:

AB 592	Kuehl	MTBE: Release Prevention	Chapter 814, Statutes of 1997
AB 646	Hertzberg	Cost Recovery for Methamphetamine Laboratory Cleanups	Dead
AB 681	Machado	Environmental Remediation: Property Owner Consent	Chapter 255, Statutes of 1998
AB 707	Ackerman	Deed Restrictions: Expiration Dates	Chapter 14, Statutes of 1998
AB 851	Wayne	State Superfund	Dead
AB 871	Wayne	Redevelopment and Brownfield Cleanups	Chapter 430, Statutes of 1998
AB 1195	Torlakson	Remedial Action Plans: Nonbinding Allocations of Responsibility/ <i>Real Estate Disclosure Requirements</i>	Chapter 65, Statutes of 1998
<u>AB 1594</u>	<u>Assembly Environmental Safety and Toxic Materials Committee</u>	<u>State Superfund: Deletion of Federal Facility Expenditure Prohibition</u>	<u>Dead</u>
AB 1706	Keeley	Methamphetamine: Penalty Enhancement	Dead
AB 1878	Wildman	CEQA: School Construction	Dead
AB 1909	Wayne	Financing Authority for Site Remediation	Chapter 1008, Statutes of 1998
AB 2157	Ortiz	Insurance Carriers Liability Judgements	Vetoed
AB 2165	Bowen	Tax Deduction for Environmental Remediation Expenses	Dead
AB 2248	Poochigian	Local Agency Immunity	Dead
AB 2339	Sweeney	Toxic Hot Spots Cleanup	Vetoed
AB 2369	Wayne	Controlled Substances: Penalty Enhancement	Chapter 425, Statutes of 1998
AB 2794	Assembly Budget Committee	Budget Act Augmentations	Chapter 1050, Statutes of 1998 (Line Item Vetoes) <b>(URGENCY)</b>
ACA 22	Pringle	Property Tax Relief for Contaminated Property	Resolution Chapter 60, Statutes of 1998
SB 337	Kelley	Local Funding: Illegal Drug Lab Cleanup	Dead
SB 521	Mountjoy	MTBE Public Health and Environmental Protection Act of 1997	Chapter 816, Statutes of 1997
SB 543	Senate Agriculture and Water Resources Committee	Water Resources: Richwood Mutual Water District	Chapter 566, Statutes of 1997 <b>(URGENCY)</b>

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## Site Mitigation/Site Cleanup/Corrective Action:

SB 581	Knight	CEQA: Department of Defense Projects	Dead
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 661	O'Connell	Containment Zone Policy/ <i>Air Monitoring Plans: Lompoc</i>	Chapter 274, Statutes of 1998 <b>(URGENCY)</b>
SB 684	Maddy	Local Agency Immunity	Dead
SB 869	Lee	Removal Action Workplans: Public Comment	Dead
SB 913	Calderon	Modification of State Superfund/ <i>Underground Storage Tank Certification</i>	Chapter 774, Statutes of 1998 <b>(URGENCY)</b>
SB 1018	Leslie	Liability: Illegal Dumping on Private Property	Dead
SB 1081	Calderon	Hazardous Materials: Mediation-Arbitration	Chapter 873, Statutes of 1997
SB 1189	Hayden	MTBE: Response to Contaminated Groundwater	Chapter 815, Statutes of 1997
SB 1320	Sher	Cal/EPA Peer Review; Richwood Mutual Water District	Chapter 295, Statutes of 1997
SB 1330	Lockyer	Solid Waste: Farm and Ranch Cleanup and Abatement Grant Program	Chapter 875, Statutes of 1998
SB 1521	Alpert	Lender Liability	Chapter 382, Statutes of 1998
SB 1779	Haynes	Private Property: Taking Impact Analysis	Dead
SB 1898	Polanco	Redevelopment Agency Cleanups	Chapter 438, Statutes of 1998
SB 2170	Sher	State Superfund: Conference Committee Report	Dead

## Storage Tanks (Above and Underground):

AB 1491	Cunneen & Richter	Petroleum Underground Storage Tanks	Chapter 808, Statutes of 1997
SB 913	Calderon	Modification of State Superfund/ <i>Underground Storage Tank Certification</i>	Chapter 774, Statutes of 1998 <b>(URGENCY)</b>
SB 1012	Sher	Underground Storage Tanks: Database Maintenance	Dead
SB 2198	Sher	Underground Storage Tanks & Oxygenates	Chapter 997, Statutes of 1998

## Superfund/Superfund Reform:

AB 851	Wayne	State Superfund	Dead
AB 1195	Torlakson	Remedial Action Plans: Nonbinding Allocations of Responsibility/ <i>Real Estate Disclosure Requirements</i>	Chapter 65, Statutes of 1998
<u>AB 1594</u>	<u>Assembly Environmental Safety and Toxic Materials Committee</u>	<u>State Superfund: Deletion of Federal Facility Expenditure Prohibition</u>	<u>Dead</u>
SB 913	Calderon	Modification of State Superfund/ <i>Underground Storage Tank Certification</i>	Chapter 774, Statutes of 1998 <b>(URGENCY)</b>
SB 2170	Sher	State Superfund: Conference Committee Report	Dead

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## Surface Impoundments:

AB 770	Margett	Surface Impoundments: Transfer of Exemption	Chapter 330, Statutes of 1997
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## Tiered Permitting:

AB 1357	Baldwin	Regulatory Oversight of Transportable Treatment Units	Chapter 778, Statutes of 1997
AB 966	Ackerman	Management of Laboratory Hazardous Wastes	Chapter 506, Statutes of 1998
AB 2424	Ackerman	Generator Onsite Treatment	Dead
AB 2487	Oller	Used Fuel Filters: Treatment	Chapter 532, Statutes of 1998
AB 2698	Ducheny	Wastewater Treatment Units	Dead
SB 660	Sher	DTSC Fee Restructuring	Chapter 870, Statutes of 1997
SB 1135	O'Connell	Hazardous Waste Permit Exemption: Elementary Neutralization by Biotechnology Industry	Chapter 706, Statutes of 1997

## Transportation:

AB 256	Cunneen	Revision of the Hazardous Waste Code System	Chapter 361, Statutes of 1997
AB 966	Wayne	Hazardous Waste Manifest System	Chapter 506, Statutes of 1998
AB 1561	Assembly Transportation Committee	Omnibus Transportation Bill	Chapter 945, Statutes of 1997
AB 2584	Runner	Department of Transportation - Spaceport Office	Dead

## Used Oil/Oil/Oily Waste:

AB 11	Escutia	Releases of Petroleum	Chapter 766, Statutes of 1997 <b>(URGENCY)</b>
AB 1273	Woods	Used Oil Recycling Act: Technical Cleanup	Dead
AB 1739	Scott	Recycling of Refineries' Used Oil	Chapter 244, Statutes of 1998
AB 2067	Cunneen	Omnibus Hazardous Waste Management Provisions	Chapter 880, Statutes of 1998
SB 988	Sher	Used Oil Recycling Act: Technical Cleanup	Vetoed
SB 1175	Sher	Lubricating Oil Fees	Dead

## Waste Classification:

AB 256	Cunneen	Revision of the Hazardous Waste Code System	Chapter 361, Statutes of 1997
AB 882	Wayne	Definition of Waste	Chapter 470, Statutes of 1997



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AB 2784	Strom-Martin & Keeley	Waste Classification Regulations	Chapter 326, Statutes of 1998 <b>(URGENCY)</b>
SB 1924	McPherson	Regulation of Dry Cell Batteries	Chapter 281, Statutes of 1998
SB 2111	Costa	Hazardous Waste: Silver	Chapter 309, Statutes of 1998
SB 2172	Sher	Public Review of Exemption Determinations	Chapter 676, Statutes of 1998

## Water Quality:

AB 11	Escutia	Releases of Petroleum	Chapter 766, Statutes of 1997 <b>(URGENCY)</b>
AB 278	Escutia	Health Effects: Most Susceptible Age Groups	Vetoed
AB 592	Kuehl	MTBE: Release Prevention	Chapter 814, Statutes of 1997
AB 921	Wayne	Recycled Water	Chapter 295, Statutes of 1998
AB 1862	Migden	Waste Discharge Requirements: Pollution Prevention	Dead
AB 2339	Sweeney	Toxic Hot Spots Cleanup	Vetoed
SB 105	Ayala	Water Contamination: Public Notification	Chapter 783, Statutes of 1997
SB 521	Mountjoy	MTBE Public Health and Environmental Protection Act of 1997	Chapter 816, Statutes of 1997
SB 543	Senate Agriculture and Water Resources Committee	Water Resources: Richwood Mutual Water District	Chapter 566, Statutes of 1997 <b>(URGENCY)</b>
SB 661	O'Connell	Containment Zone Policy/ <i>Air Monitoring Plans: Lompoc</i>	Chapter 274, Statutes of 1998 <b>(URGENCY)</b>
SB 673	Karnette	Contaminated Sediments	Chapter 897, Statutes of 1997
SB 995	Mountjoy	Use of Recycled Water	Dead
SB 1189	Hayden	MTBE: Response to Contaminated Groundwater	Chapter 815, Statutes of 1997
SB 2198	Sher	Underground Storage Tanks & Oxygenates	Chapter 997, Statutes of 1998

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# **Veto Messages**

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## AB 179

VETOED DATE: 10/12/97

To the Members of the California Assembly:

I am returning Assembly Bill No. 179 without my signature.

This bill would amend the California Public Records Act to require state agencies to provide "a copy of an electronic record in the form requested, unless, in light of surrounding circumstances, it is not reasonable to do so...." It does not change the public's right of access to government documents, but only restricts the agency's discretion as to the form of the document made available. Government agencies receive hundreds of Public Records Act requests every month. They are most often not from ordinary citizens, but from political candidates or special interest groups searching for information. Government employees spend thousands of hours each year responding to the requests-segregating the requested documents from exempt documents, such as those which invade other citizens' personal privacy. Taxpayers pay for the time expended searching for and segregating these records. However, state agencies are presently permitted to determine the form in which computer data is provided. This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is "unreasonable" to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record be provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it "unreasonable." Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done.

Cordially,

PETE WILSON

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## **AB 182**

VETOED DATE: 08/21/98

To the Members of the California Assembly:

I am returning Assembly Bill No. 182 without my signature.

This bill would authorize cities and counties, in addition to current local posting requirements, to notify the California Environmental Protection Agency (Cal/EPA) of any public meetings regarding the adoption or amendment of certain regulated substances. This bill would expand the mandate on local agencies by requiring them to also notice the repeal of those ordinances. Cal/EPA would then be required, to the extent local agencies voluntarily send that information to the Agency to post it on the Agency's Internet site. Existing law requires local agencies to provide public notice within the affected community prior to adopting or amending any such ordinance. In fact, many cities and counties already make this information available on their Internet website. Because this information is readily available to the public, any additional requirements for the State to post that information would be unnecessarily duplicative.

Cordially,

PETE WILSON

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## AB 278

VETOED DATE: 09/27/98

To the Members of the California Assembly:

I am returning Assembly Bill No. 278 without my signature.

This bill would add the phrase "infants and children" to current law directing state agencies to set health-protective air quality standards; require an air monitoring pilot program at three locations around the state near a day care center or school and an evaluation of the air quality monitoring system in the aftermath of the pilot project; require adoption of control measures for toxic air contaminants by January 1, 2004; and require businesses located within 1,000 feet of a school or day care center to be inspected at least once a year, if that facility has more than one regulatory violation in five years' time.

Proponents argue that new scientific studies suggest that our standards must be re-evaluated, and that current practice depends on the use of safety factors (or uncertainty factors) that were developed as a technique by risk assessors more than 30 years ago. However, those same supporters fail to offer a single piece of evidence, scientific or otherwise, which suggests that California's standards are not protecting the health of all Californians, including infants and children. The studies referenced merely point out that children, like all Californians, are exposed to air pollution and that such exposure has health implications. In the absence of specific evidence that our standards are inadequate, supporters of this legislation have suggested that additional safety factors should be applied to our current standards to make sure infants and children are protected. In doing so, they advocate the very approach they criticize as anachronistic.

California has the most stringent air quality standards in the world. And State scientists are continually reviewing new scientific evidence to ensure that no emerging science calls into question the validity of those health-protective standards. The most recent, comprehensive review of air quality standards-perhaps the most comprehensive review ever of all available science-was completed by U.S. EPA when it reviewed its ozone and particulate matter standards last year. The new standards were based solely on health data, without consideration for economic or technical considerations. Yet California's air quality standards are still more stringent than those proposed federal standards for smog and PM 10. This is further confirmation of California's conservative approach to health protective standards.

California laws, regulations and administrative practices appropriately focus on sensitive populations. Despite the rhetoric surrounding this bill, rarely do children and infants fit that definition. In fact, for five of the six federal ambient air pollutants, children are not the most sensitive population. This point was most succinctly stated by one of the bill's sponsors-the Natural Resources Defenses Council-when it correctly observed in its "Children At Risk" report issued less than a year ago that the elderly are at greatest risk from air pollution (page 33).

Certainly we do not know everything about the health effects of air pollution; some data gaps do exist. That's why during the first years of my administration, the Air Resources Board initiated a 10-year study of the chronic health effects of air pollution on children. This \$11.5 million study, conducted under the auspices of the USC School of Medicine is tracking 5,000 children in a dozen Southern California communities and measuring the impacts of ambient air pollution on their health and development. The study is currently in its sixth year.

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In addition the Office of Environmental Health Hazard Assessment has nearly concluded a multi-year effort to develop guidelines for exposure assessment and stochastic analysis. These guidelines incorporate original research conducted under the auspices of the Air Resources Board and others, including water consumption rates, food consumption rates, breathing rates and soil ingestion rates-those physiological differences that AB 278's sponsors correctly point out make children unique when compared to adults. These guidelines will be completed and peer-reviewed by the State's Scientific Review Panel this fall.

These efforts will continue to inform the standard-setting process, and fulfill our commitment to improving the scientific underpinnings of our public health protection efforts.

Cordially,

PETE WILSON

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## **AB 1157**

VETOED DATE: 09/21/97

To the Members of the California Assembly:

I am returning Assembly Bill No. 1157 without my signature.

This bill would require the Department of Toxic Substance Control (DTSC) to issue a public notice not less than 30 days prior to granting a variance from hazardous waste statutes or regulations. The variances issued by DTSC cover a wide variety of program requirements (e.g., storage time limits; administrative requirements; regulatory deadlines; recycling requirements; authorization requirements, etc.). These variances give DTSC and the regulated community the flexibility to tailor program requirements to a business's unique circumstances while continuing to ensure that the business operates in a manner that is protective of public health and the environment. Existing law requires DTSC to make a finding that ultimately granting a variance would not impose a significant impact to human health or the environment. All variances must also be evaluated under the California Environmental Quality Act (CEQA), and published in the California Regulatory Register (commonly referred to as the "Z-register") within 30-days after the variance is granted. Enactment of this bill would increase costs for businesses by unnecessarily impeding business operations for an additional 30 days, without providing any demonstrated level of health and safety benefits beyond the existing requirements contained under current law.

Cordially,

PETE WILSON

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## **AB 1169**

VETOED DATE: 09/19/98

To the Members of the California Assembly:

I am returning Assembly Bill No. 1169 without my signature.

This bill would require the Resources Agency and member agencies within it, to post on their Internet websites, any documents "disseminate [d] to the public" or "available in print to the public," and maintain on that website meeting agenda and summary reports of meetings for one year.

Ambiguously drafted, this bill would appear to result in an obligation to place on the Internet virtually any document accessible to the public under the Public Records Act. Thus, any constituent correspondence sent to a member of the public and any internal memorandum, including inter-office memos, not exempt from disclosure under the Public Records Act would appear to have to be posted on the Internet. Each time a document is created, legal staff would have to spend time determining whether the document is subject to disclosure under the Public Records Act and other staff would have to post it on the Internet. Most of these documents would be of very little interest or value to the general public.

There is no justification for the human or computer resources that would be necessary to implement this bill. Each of the specific documents identified in this bill are readily available to the public. Those items not already available on the Agency's website can be obtained within ten days upon request under the Public Records Act, with the strong exception of Agency and departmental bill analyses submitted by the Governor. Under current law, those documents are exempt from disclosure under the Public Records Act and specifying such documents in the bill without amending the Public Records Act would unfairly mislead the public into assuming those documents are also accessible. In sum, this bill would consume considerable taxpayer funds to post on the Internet, vast numbers of documents of little interest to the public and already available under the Public Records Act.

Cordially,

PETE WILSON



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## **AB 1190**

VETOED DATE: 10/05/97

To the Members of the California Assembly:

I am returning Assembly Bill No. 1190 without my signature.

This bill would authorize a county board of supervisors to delegate to the county health officer or authorized county agency the responsibility to examine a subpoenaed individual regarding the cause of a release or threatened release of a hazardous material from the premises of a hazardous material handler. Current law provides local health officers substantial authority to require facilities to submit pertinent information and lists failure to comply as a criminal misdemeanor and punishable by civil penalties. In addition, Cal/OSHA has subpoena authority it may exercise in connection with incident investigation authority. Existing law also provides administering state agencies substantial facility inspection and audit authority in this area. It is questionable that another layer of subpoena power is necessary, and certainly there is no justification for the many shortcomings of this bill. AB 1190 does not include adequate protections for handling of confidential information, including trade secrets, nor sanctions against a government official for the unauthorized release of such secrets. Unreasonably, the bill fails to provide for notice to an employer when an employee is subpoenaed, nor does it give an employer the opportunity to be present for a subpoena-related examination of an employee, at which potentially confidential proprietary information may be divulged. In light of existing investigatory powers the serious defects of AB 1190 unjustifiably threaten competitive disadvantage and financial jeopardy to California businesses.

Cordially,

PETE WILSON

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## **AB 1656**

LINE ITEM VETO DATE: 08/21/98

To the Members of the California Assembly:

I object to the following appropriations contained in Assembly Bill 1656:

. . .

Item 3960-001-0014--For support of Department of Toxic Substances Control. I delete Provision 1.

I am deleting Provision 1 which would declare legislative intent to deny funding for the initiative known as the Regulatory Structure Update and prohibit the use of any other appropriation in the Budget Act to fund the initiative. The Department informs me that the project is complete. Moreover, it would be an infringement on the Executive Branch's authority to effectively administer the program.

. . .

With the above deletions, revisions and reductions, I hereby approve Assembly Bill 1656.

Cordially,

PETE WILSON

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## **AB 2157**

VETOED DATE: 09/23/98

To the Members of the California Assembly:

I am returning Assembly Bill No. 2157 without my signature.

This bill would provide that, where a successive or concurrent insurer, as defined, settles with its insured as a partial settlement of the claims made against the insured in a pollution claim, as defined, the insurer or its insured may apply for a court order determining that the partial settlement is a good faith and reasonable approximation of the insurer's liability, as specified.

This bill was intended to promote the quick and fair resolution of environmental claims with multiple insurers. Unfortunately, it ignores the fundamental problem that exists in all multi-party environmental litigation disputes: fair allocation of costs for clean-up of toxic sites. Under the scheme in AB 2157, an insured would suffer even more delays in resolving environmental claims because of the extra layer of litigation that is generated by this bill.

AB 2157 contemplates a procedure where a settling insurer will notify all other involved insurers and attempt to prove before the court why its settlement was in 'good faith' and should extinguish all its liability on the claim to both the insured and the other insurers. Non-settling insurers could challenge the settlement as to its fairness. However, rather than providing a simplified or expedited method to resolve these issues, the bill would simply move the coverage litigation from its separate forum to this hearing. AB 2157's procedures would create a series of lengthy and complex mini-trials within a main trial each time an insurer seeks to settle. These mini-trials would have at issue, and at risk, the same issues in a separate coverage case and would often involve extensive discovery and motion practice, often involving millions of dollars, and take years to resolve.

Cordially

PETE WILSON

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## **AB 2199**

VETOED DATE: 09/14/98

To the Members of the California Assembly:

I am returning Assembly Bill 2199 without my signature.

This bill would make a minor change to law relating to conservation education.

Current law requires the State Department of Education to encourage the development of educational opportunities relating to the conservation, interpretation, and use of natural resources in the State of California and including, among other things, the development of education curriculum on factors affecting environmental quality. This bill states that factors affecting environmental quality include "environmental hazards."

This bill makes a change in law that is unnecessary and misleading. Clearly, environmental hazards are one of many factors which affect environmental quality. Adding this language will only send a signal that additional amendments are needed to list other possible factors.

Cordially,

PETE WILSON

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## **AB 2237**

VETOED DATE: 09/24/98

To the Members of the California Assembly:

I am returning Assembly Bill No. 2237 without my signature.

This bill would require the California Environmental Protection Agency, the Resources Agency, and the Department of Health Services to incorporate so-called "environmental racism" or "environmental justice" issues in their selection criteria for environmental loans and grants. The bill would also require those agencies to place information on environmental loans and grants on the Internet in a form more easily understandable to prospective applicants.

While the goal of making better information more easily available is laudable, the bill is an ill-advised attempt to shift the primary focus of a simple grant or loan program aimed at improving the environment from an evaluation based on objective physical standards to one based upon a subjective assessment of socio-economic impact of pollution.

The evidence indicates that communities with the highest exposure to environmental risks are receiving State loans and grants. The State environmental laws do not provide separate, less stringent requirements, or lower standards in low-income communities.

Cordially,

PETE WILSON

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## **AB 2339**

VETOED DATE: 09/24/98

To the Members of the California Assembly:

I am returning Assembly Bill No. 2339 without my signature.

This bill would extend monitoring and surveillance activities for the State Water Resources Control Boards (SWRCB) Bay Protection and Toxic Cleanup Program (BPTCP) and would require the SWRCB and coastal Regional Water Quality Control Boards (RWCQB) to implement a consolidated, statewide cleanup plan to remediate identified toxic hot spots. The bill would also exempt dischargers from the requirements of the BPTCP cleanup plan if they are remediating or contributing to the cost of remediating these sites under other specified federal or state regulatory programs.

AB 2239 represents a step backwards in the BPTCP. Dischargers would be excused from being required to meet adopted water control standards if they participate or contribute in any way in another specified remediation plan. Those provisions are extremely broad, and could be used to let the biggest polluters off the hook for making only the slightest contribution to the cleanup effort. Requiring those dischargers to accept additional cleanup responsibilities would require the approval of the Site Designation Committee, a body created to settle issues of jurisdiction, not compliance.

Finally, the provision of this bill that call for implementation of the final plan with all deliberate speed" could be interpreted to force immediate implementation. The existing process requires the plan to include findings and recommendations for the establishment of a toxic hot spot program (Water Code section 13394(i)). The purpose of this provision is to allow all affected stakeholders, including the public, the opportunity to review and evaluate every aspect of the completed plan, including scope, feasibility, and cost (including potential for recover of costs). To call for the implementation of a plan that has not been completed and for which a funding plan has not been identified would not only be premature, it would be irresponsible.

Cordially,

PETE WILSON

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## **AB 2784**

LINE ITEM VETOED DATE: 08/21/98

To the Members of the California Assembly:

On this date I am signing Assembly Bill No. 2784 with a deletion.

This bill would serve as the legislative vehicle for a number of statutory changes related to the implementation of the 1998 Budget Act for various environmental and natural resource programs. Among other things, this bill would establish guidance for the Department of Toxic Substance Control regarding proposed changes to the criteria and guidelines for identification of hazardous waste and management standards. including appropriating \$617,000 from the Hazardous Waste Control Account to the Department for the initiative known as the Regulatory Structure Update (RSU).

Although I am signing AB 2784, I am deleting Section 17 in its entirety. The appropriation is linked to unnecessarily restrictive language that is currently the subject of litigation. Furthermore, the Department informs me that the RSU project is complete. Thus the appropriation contained in this Section is unnecessary.

Cordially

PETE WILSON

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## **AB 2794**

LINE-ITEM VETO DATE: 09/30/98

To the Members of the California Assembly:

On this date I am signing Assembly Bill No. 2794 with a reduction.

This bill would appropriate \$ 18,913,000 General Fund and special funds for various programs as a supplement to the Budget Act of 1998 (Ch. #324, 1998) and reappropriate \$240,000 from the Proposition 98 Reversion Account.

I am sustaining \$70,000 Section 4 (cx) for the La Mesa Community Center. I am reducing Section 28, (q) by \$20,000 leaving \$70,000 for support of the Pasadena Youth Center. I am deleting Section 2, Section 3, Section 4, Section 5, Section 6, Section 7, Section 8, Section 8.5, Section 9, Section 10, Section 11, Section 12, Section 13, Section 14, Section 15, Section 16, Section 17, Section 18, Section 19, Section 20, Section 21, Section 22, Section 23, Section 24, Section 25, Section 26, Section 27, Section 28 (a), (b), (c), (e), (g), (j), (k), (m), (n), (r) and Section 29.

Notwithstanding the merits of the augmentations, it is more critical that the State have a two percent reserve.

Cordially,

PETE WILSON



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## **SB 74**

VETOED DATE: 10/12/97

To the Members of the California Senate:

I am returning Senate Bill No. 74 without my signature.

This bill would amend the California Public Records Act to require state agencies to provide "a copy of an electronic record in the form requested, unless, in light of surrounding circumstances, it is not reasonable to do so...." It does not change the public's right of access to government documents, but only restricts the agency's discretion as to the form of the document made available. Government agencies receive hundreds of Public Records Act requests every month. They are most often not from ordinary citizens, but from political candidates or special interest groups searching for information. Government employees spend thousands of hours each year responding to the requests-segregating the requested documents from exempt documents, such as those which invade other citizens' personal privacy. Taxpayers pay for the time expended searching for and segregating these records. However, state agencies are presently permitted to determine the form in which computer data is provided. This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is "unreasonable" to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record be provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it "unreasonable." Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done.

Cordially,

PETE WILSON

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## **SB 451**

VETOED DATE: 09/28/97

To the Members of the California Senate:

I am returning Senate Bill No. 451 without my signature.

This bill would require local governments general plans to provide for the general location of commercial and industrial businesses regulated, due to handling of hazardous materials, in a manner which avoids concentrating those uses in close proximity to schools or residential communities and to provide for the fair treatment of people, regardless of race, culture, and income level. In my 1991 veto of AB 937 I wrote, "The process to site and develop a solid and/or hazardous waste facility is an intensive exercise in environmental documentation, geographical consideration, public hearings, and state and local permitting procedures." The law presently contains an abundance of planning requirements, including provision for extensive public hearings to address environmental and other land use planning concerns that include and exceed those contained in this bill. Specifically, regular periodic amendment of local community general plans is required by law to be made in compliance with the extensive projects of the CEQA. This bill will add nothing of practical value to the present extensive and rigorous protections and planning requirements demanded by existing law. That is why it is understandably opposed by the League of California Cities.

Cordially,

PETE WILSON

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## **SB 479**

VETOED DATE: 09/22/98

To the Members of the California Senate:

I am returning Senate Bill No. 479 without my signature.

This bill would increase the maximum retirement benefit for California Highway Patrol Officers, from 80 percent to 85 percent of final compensation for those members who retire on or after January 1, 1999.

This enhanced retirement benefit is subject to collective bargaining. During the recent collective bargaining process two other bargaining units agreed to this enhancement as part of a total package. Those agreements were subsequently ratified by the Legislature and approved by me. Approving this measure would negate the hard work and months of bargaining conducted between the state and those employee representatives who successfully agreed to contracts.

Cordially,

PETE WILSON

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## **SB 658**

VETOED DATE: 08/21/98

To the Members of the California Senate:

I am returning Senate Bill No. 658 without my signature.

This bill would require the California Environmental Protection Agency to report annually on the scientific foundation of regulatory efforts which have been subjected to peer review, and the disposition of those efforts.

This bill is unnecessary. This information is already available, upon request, as a matter of public record. The codification of this report is unnecessarily bureaucratic and serves no public purpose.

Cordially,

PETE WILSON

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## **SB 715**

VETOED DATE: 09/27/98

To the Members of the California Senate:

I am returning Senate Bill No. 715 without my signature.

This bill would require that any changes to the State's 15 programs certified as providing procedures equivalent to the California Environmental Quality Act (CEQA) be submitted to the Secretary for the Resources Agency for review. This bill would also require the Resources Secretary to report on the types and effectiveness of mitigation measures used by state and local agencies, and would require the Office of Planning and Research (OPR) to establish a central repository for CEQA notices of exemption, determination, preparation, or completion.

The changes proposed by this bill are unnecessary. Current law already provides for the submission of program changes that might alter the CEQA-equivalency certification to the Resources Secretary (Public Resources Code Section 21080.5(f)). Existing law requires agencies to report on and/or monitor the effectiveness of their mitigation measures (Public Resource Code Section 21081.6). State agencies are already provided the opportunity to comment on projects and programs of potential statewide significance (Public Resource Code Section 21083); the law is further buttressed by the CEQA Guidelines (14 C.C.R. Sec. 15206). Finally, OPR is already providing, via the Land Use Planning Information Network, additional public access to CEQA documents identified in the bill and continues to serve as a resource for planners throughout the State.

The safeguards contained in existing law have proven sufficient to maintain the integrity of the program with needed flexibility for administering agencies.

Cordially,

PETE WILSON

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## **SB 730**

VETOED DATE: 09/29/98

To the Members of the California Senate:

I am returning Senate Bill No. 730 without my signature.

This bill would require the San Diego County Auditor, upon approval of the board of supervisors, to shift up to \$3,000,000 in 1998-99, 1999-2000, and 2000-01 from the county's share of property tax revenues to the San Diego County Free Library system.

This bill is unnecessary. The County does not need legislative approval to transfer additional funds to the library system. In fact, last year the County allocated additional funds to the library system without legislative authority. The development and implementation of current and future county expenditure plans is a local issue that should be resolved annually at that level of government, not permanently restricted in statute.

Cordially,

PETE WILSON

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## **SB 988**

VETOED DATE: 9/30/98

To the Members of the California Senate:

I am returning Senate Bill No. 988 without my signature.

This bill would extend the sunset date from January 1, 1999 until January 1, 2001 the Local Government Technical Advisory Committee (LGTAC), which advises the Integrated Waste Management Board (IWMB) on the impacts of waste diversion efforts on local programs and assists in achieving our waste diversion goals. The bill changes the qualifications of the members of the LGTAC, changes the meeting requirements, and makes minor modifications to its role of advisor to the IWMB. The bill also requires the IWMB to provide prototype models to local jurisdictions to assist in meeting diversion goals.

Finally, in addition to minor code cleanup, the bill has a particular emphasis on used oil recycling. These provisions are not supportable. First the bill requires state agencies, and directs every state officer, to foster the use of recycled oil when the quality of the product is substantially similar and when the price is competitive. When it comes to expenditure of taxpayer funding we must be sure that the product being purchased is of equal quality, not merely substantially similar, and that the price is equivalent, not merely competitive. The Executive Order issued in 1991 (W-7-91) already provides for a purchase preference for recycled oil when price, quality and availability are equal to so-called virgin products.

Furthermore, buried in the final pages of the bill is a requirement that all retailers selling more than 2,000 quarts of oil a year post a list of conveniently located used oil collection facilities. The bill makes no provision for obtaining a list from governmental agencies, and so this amounts to an unfunded mandate on retailers to secure this information and provide a printed list to its customers. Promotion and outreach of such programs is appropriate, but regulatory agencies must bear at least some of that responsibility.

The other provisions contained in this bill can be met without this flawed legislation. I am, therefore, directing the IWMB to continue to provide prototype models to local jurisdictions, just as it was before this legislation was introduced, and to continue the LGTAC. These actions are simply good government administration, and this legislation is not required to accomplish them.

Cordially,

PETE WILSON

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## **SB 1047**

VETOED DATE: 09/14/98

To the Members of the California Senate:

I am returning Senate Bill No. 1047 without my signature.

This bill would require all provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, including proposed revisions to the Guidelines, to be made available on the Internet.

This bill is unnecessary. The Resources Agency already posts all relevant information required by this bill, including proposed changes to the Guidelines that are in the rulemaking process, on the Internet (<http://ceres.ca.gov/ceqa>). In addition, the CEQA homepage includes information relating to relevant statutes, case law, reference materials, and more.

This homepage is maintained in cooperation with the Governor's Office of Planning and Research, and has been well received and widely used by both public and private entities. Mandating its existence in statute would be superfluous.

Cordially,

PETE WILSON



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## **SB 1113**

VETOED DATE: 10/04/97

To the Members of the California Senate:

I am returning Senate Bill No. 1113 without my signature.

This bill would require changes to the California Environmental Quality Act (CEQA) guidelines which would enable public agencies to address environmental justice matters. This bill would also require the Office of Planning and Research to assist public agencies by identifying communities and populations disproportionately affected by high and adverse environmental effects. The state environmental laws do not provide separate, less stringent requirements, or lower standards in minority and low-income communities. Environmental laws are, and should remain, color-blind. The California Environmental Quality Act was not designed to be used as a tool for a social movement. The California Environmental Quality Act is a cumbersome process and any changes made to it should be to streamline the current process, not add new requirements that will only negatively affect the economy and people of this state.

Cordially,

PETE WILSON

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## **SB 1212**

VETOED DATE: 10/11/97

To the Members of the California Senate:

I am returning Senate Bill No. 1212 without my signature.

This bill would require specified healing arts licensing entities to adopt the findings of an administrative law judge (ALJ) if the ALJ determines that none of the charges of unprofessional or unlawful conduct against a licensee have been proven by clear and convincing evidence. Existing law provides that a licensing entity has the authority to reject or modify an ALJ's proposed decision when the ALJ has incorrectly applied or interpreted the law. Administrative proceedings are more liberal and far less restrictive than proceedings before courts of law. Licensing entities, which have specialized knowledge regarding the professions they regulate, must be allowed to modify or reject ALJ decisions when necessary to protect the public health and safety.

Cordially,

PETE WILSON

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## **SB 1577**

VETOED DATE: 08/21/98

To the Members of the California Assembly:

I am returning Senate Bill No. 1577 without my signature.

This bill would sunset the California Environmental Protection Agency (Cal/EPA) on January 1, 2000, unless a Joint Legislative Sunset Review Committee recommends reauthorization of continuation of Cal/EPA in some modified form.

By any objective standard, Cal/EPA has been a success. Since Cal/EPA was established in 1991, demonstrable, measurable progress continues to be evident in the areas of air quality, water quality, the cleanup of hazardous waste sites, and diversion rates for solid waste. This progress continues even in the face of dramatic population increases and dynamic economic expansion.

The objectives created for Cal/EPA were to ensure that environmental protection and economic expansion were not viewed as mutually exclusive goals; to ensure that efforts were focused on those processes and substances representing the greatest public health and environmental threat; to streamline the environmental regulatory process; to demystify the process and improve compliance by business; to enhance accountability; and to coordinate environmental protection efforts and create consistency among sometimes disparate, yet related functions.

Not only is the program a clear and convincing success, it is vitally important to continue a cabinet level position on environmental protection to ensure a strong commitment and clear accountability.

It took more than two decades and bipartisan support to create a environmental protection agency at the state level. The ill-advised approach contained in this bill does nothing more than throw the issue back in time. It is ironic that those who profess to be such great supporters of environmental protection are so enthusiastically pursuing a measure that is so clearly intended to eliminate the agency charged with that task.

Cordially

PETE WILSON